



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

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नई दिल्ली, शुक्रवार, जून 21, 2019/ज्येष्ठ 31, 1941 (शक)

No. 13]

NEW DELHI, FRIDAY, JUNE 21, 2019/JAYAISTHA 31, 1941 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on the 21st June, 2019:—

BILL NO. 65 OF 2019

A Bill to provide for maintaining status quo on religious practices of the Sabarimala Sreedharma Sastha Temple, as existed on the 1st day of September, 2018 and for matters connected therewith

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Sabarimala Sreedharma Sastha Temple (Special Provisions) Act, 2019.

Short title
and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "conversion", with its grammatical variations, includes alteration or change of whatever nature;

(b) "religious practice" includes custom, tradition or manner of worship as existed and practiced in the Sabarimala Sreedharma Sastha Temple on or before the 1st day of September, 2018; and

(c) "Sabarimala Sreedharma Sastha Temple" situated in Sabarimala in Pathanamthitta District in the State of Kerala include Sannithanam, Pampa, Nilakkal, Erumeli and Panthalam Palace.

Continuance
of existing
religious
practice of
Sabarimala
Sreedharma
Sastha
Temple.

3. (1) Notwithstanding anything contained in any judgment, order or decree of any court, the religious practices of Sabarimala Sreedharma Sastha Temple shall continue to be the same as existed and practiced on the 1st day of September, 2018.

(2) If, on the commencement of this Act, any suit, appeal or other proceeding with respect to the religious practices of Sabarimala Sreedharma Sastha Temple is pending before any court, tribunal or other authority, the same shall abate, and no suit, appeal or other proceeding with respect to any such matter shall lie on or after such commencement in any court, tribunal or other authority:

Provided that if any suit, appeal or other proceedings, instituted or filed on the ground that conversion has taken place in the religious practices after the 1st day of September, 2018, is pending on the commencement of this Act, such suit, appeal or other proceeding shall be disposed of in accordance with the provisions of sub-section (1).

Conversion of
religious
practices shall
be in
accordance
with the
tradition and
custom.

4. The necessity, if any, of conversion of religious practices of the Sabarimala Sreedharma Sastha Temple shall be in accordance with the tradition custom, existed and practiced on or before 1st September, 2018.

Enforcement
of religious
practices.

5. The Central Government and the Government of the State of Kerala shall ensure enforcement of the religious practices.

STATEMENT OF OBJECTS AND REASONS

The attempt for conversion of tradition and custom followed and practiced in Sabarimala Sreedharma Sashta Temple on 1st September, 2018 created unrest in the mind of devotees of Sabarimala Sreedharma Sashta Temple. This has become an issue of law and order in the State of Kerala. The fundamental rights enshrined in articles 25 and 26 are being violated. The devotees of Sabarimala Sreedharma Sashta Temple are demanding for protection of their rights entrusted under articles 25 and 26 of the Constitution. The change in tradition and custom without taking into confidence the special class devotees of Sabarimala Sreedharma Sashta is not as per the constitutional provision. It is necessary to enact legislation to protect the fundamental rights specified in articles 25 and 26 of the Constitution.

Hence this Bill.

NEW DELHI;

N.K. PREMACHANDRAN

June 3, 2019.

BILL NO. 28 OF 2019

A Bill further to amend the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

Short title
and
commencement.

1. (1) This Act may be called The Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest (Amendment) Act, 2019.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

54 of 2002.

2. In section 31 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002,—

Amendment
of section 31.

(a) in clause (h), for the words "one lakh", the words "ten lakh" shall be substituted; and

(b) after clause (j), the following clauses shall be inserted, namely:—

"(k) any security interest for securing repayment of any financial assistance for educational purpose;

(l) any security interest created for financial assistance not exceeding twenty lakhs rupees for agricultural purpose;

(m) any security interest for securing repayment of any financial assistance not exceeding twenty lakhs rupees for self employment.

(n) any case in which the right or ownership or possession of any security interest created for securing repayment of any financial assistance not exceeding fifteen lakhs rupees is vested with senior citizens, widows and differently-abled persons with more than sixty per cent. disabilities;

(o) any case in which the right or ownership or possession of any security interest created for securing repayment of any financial assistance is vested with the persons undergoing treatment for cancer, Acquired Immuno Deficiency Syndrome (AIDS) and organ transplantation; and

(p) any security interest created in land with residential building not exceeding an extent of five per cent. in cities, ten per cent. in towns and fifteen per cent in Panchayat for financial assistance not exceeding fifteen lakhs rupees."

STATEMENT OF OBJECTS AND REASONS

The Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is a legislation that provides for speed up the recovery of defaulting loans and mounting levels of non-performing assets of banks and financial institutions.

For the implementation of the provisions of this Act, the banks and financial institutions seek the support of private agencies. The private agencies are implementing unethical and illegal means for recovery of the debts. These unethical methods are adopted for the recovery of money from the weaker sections of the society.

The interventions and interference of private agencies and implementation of provisions of this Act through unethical and illegal means creating unrest in the society particularly among the weaker sections. The weaker sections of the society become homeless due to the implementation of the provisions of this Act. The students, parents, farmers, senior citizens, differently abled persons, persons with small holdings and such other weaker sections in the society are suffering due to the implementation of the provisions of this Act so as to protect the welfare of the weaker section of the society exemption from application of provisions of this Act is necessitated. In view of the above it is considered necessary to amend the existing law.

Hence this Bill.

NEW DELHI;
June 3, 2019.

N.K. PREMACHANDRAN

BILL NO. 44 OF 2019

A Bill further to amend the Mahatma Gandhi National Rural Employment Guarantee Act, 2005.

BE it enacted by the Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Mahatma Gandhi National Rural Employment Guarantee (Amendment) Act, 2019.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 3.	<p>2. In section 3 of the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (hereinafter referred to as the principal Act),—</p> <p>(a) in sub-section (1), for the words "one hundred days", the words "two hundred days" shall be substituted; and</p> <p>(b) for sub-section (2), the following sub-section shall be substituted, namely:—</p> <p>"(2) Every person who has done the work given to him shall be entitled to receive wages at the rate of rupees eight hundred or at the wage rate for each day of work, whichever is higher."</p>	42 of 2005
Amendment of Schedule II.	<p>3. In the principal Act, in Schedule II, after paragraph 35, the following paragraphs shall be inserted, namely: —</p> <p>"36. Every registered person under the Scheme shall be entitled to the benefit of Employees' State Insurance Scheme formulated under Employees State Insurance Act, 1948.</p> <p>37. It shall be the duty of the Gram Panchayat to register all registered persons after making such enquiry as it deems fit and to comply all the procedure formalities to issue Employees' State Insurance Scheme card containing such details of members of the household affixing their photographs for extending the benefit of Employees' State Insurance Scheme as may be prescribed by the State Government."</p>	34 of 1948

STATEMENT OF OBJECTS AND REASONS

The Mahatma Gandhi National Rural Employment Guarantee Act, 2005 is a social security legislation that provides employment for rural population and ensuring minimum number of employment days.

Keeping in view the changing needs of the society, it is essential to amend the law for providing more working days, high wages and health amenities to the registered persons under the Act. The present number of days of employment wages are very less and the registered persons are not able to find out their primary needs depending on the employment and salary as per the scheme formulated under the parent Act. The social security welfare measures provided to the workers are also less. It is highly necessary to increase the number of working days and wages. Moreover, providing health protection to the registered persons under Employees' State Insurance Scheme is also inevitable.

The Bill, therefore, seeks to amend the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 with a view to—

- (a) increase the maximum number of days of employment to the registered persons from hundred days to two hundred days;
- (b) increase the wages per day to a minimum of rupees eight hundred; and
- (c) extend the benefit of Employees' State Insurance Scheme to all the registered persons under the Act.

Hence this Bill.

NEW DELHI;
June 3, 2019.

N.K. PREMACHANDRAN

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for increasing the number of days of employment of the registered persons from one hundred days to two hundred days under the Act. It also provides for ensuring minimum wage of registered persons to rupees eight hundred for each day of work. Clause 3 provides for extending the benefit of Employees' State Insurance Scheme to all the registered persons under the Act. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees ten lakh crore per annum is likely to be involved from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill *vide* proposed paragraph 37 empowers the State Government to prescribe rules for ensuring Employees' State Insurance Scheme benefits to the registered persons. As the rules will relate to matters of detail only, the delegation of legislative powers is of a normal character.

BILL NO. 29 OF 2019

A Bill further to amend the Employees State Insurance Act, 1948.

BE it enacted by the Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Employees' State Insurance (Amendment) Act, 2019.

Short title,
and
commence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act and for different States or for the different parts thereof.

34 of 1948

2. In section 1 of the Employees State Insurance Act, 1948 (hereinafter referred to as the principal Act),—

Amendment
of section 1.

(a) in sub-section (4),—

(i) the words, “in the first instance”, shall be omitted; and

(ii) after the words “seasonal factories”, the words “and workers in the unorganised sectors” shall be inserted.

(b) in sub-section (5), after the words, “agricultural or otherwise”, the words “or to persons such as agricultural workers, railway porters, Life Insurance Corporation (LIC) agents, Accredited Social Health Activists (ASHA) workers, anganwadi workers, Mahila Pradhan Agents, Kudumbhasree workers, auto and taxi drivers, tailors, building and other construction workers, fishermen, National Rural Employment Guarantee Programme (NREGP) workers, domestic workers, street vendors, sanitation workers, mine workers, rickshaw pullers, freelance journalists and such other categories of employees in unorganized sector” shall be inserted; and

(c) in sub-section (6), the following proviso shall be added at the end, namely:—

“Provided that nothing contained in this sub-section with respect to number of employees shall apply to employees in the unorganized sector.”.

Amendment
of section 2.

3. In section 2 of the principal Act,—

(a) after clause (2), the following clause shall be inserted, namely:—

“(2A) “competent authority” means the authority designated under section 25A;”;

(b) after clause (4), the following clause shall be inserted, namely:—

“(4A) “contribution of employee in the unorganized section” means the sum of money payable to the corporation by the employee in such manner as may be prescribed.”;

(c) after clause (9), the following clauses shall be inserted, namely:—

“(9A) “employee in the unorganized sector” means the employee or worker working in the unorganized sector certified by the competent authority in the manner as may be prescribed;

“(9B) “employer in the unorganized sector” means the employer in the unorganized sector certified by the competent authority in such manner as may be prescribed;”;

(d) after clause (21), the following clause shall be inserted, namely:—

“(21A) “unorganised sector” means a factory, establishment or an enterprise owned by individuals or self-employed workers;”;

(e) in clause (24), after the words “Industrial Disputes Act, 1947 (14 of 1947)” the words and the Unorganised Workers Social Security Act, 2008 (33 of 2008)” shall be inserted.

Amendment
of section 4.

4. In section 4 of the principal Act, after clause (j), the following clause shall be inserted, namely:—

“(k) five persons representing the trade unions of the unorganized sector to be appointed by the Central Government in consultation with such trade unions as may be recognised for the purposes by the Central Government.”.

Amendment
of section 8.

5. In section 8 of the principal Act, in clause (c),—

(i) for the words “eight” the words “nine” shall be substituted; and

(ii) after sub-clause (v), the following sub-clause shall be inserted, namely:—

“(vi) one member from among the members of the Corporation representing the employees in the unorganized sector;”.

Amendment
of section 10.

6. In section 10 of the principal Act, in sub-section (1), after clause (g), the following clause shall be inserted, namely:—

“(h) three members representing employees of the unorganized sector to be appointed by the Central Government.”.

7. After section 25 of the principal Act, the following section shall be inserted, namely:—
- Insertion of new section 25A.
- "25A. The Central Government shall, by notification in the Official Gazette, in consultation with the Corporation, designate an Officer to be a competent authority for the purpose of certification of employees and employers in the unorganized sector."
- Designation of an Officer to be a Competent Authority.
8. After section 38 of the principal Act, the following section shall be inserted, namely:—
- Insertion of new section 38A.
- "38A. Subject to the provisions of this Act, the employees in the unorganized sector shall be insured in such manner as may be prescribed."
- Employees in the unorganized sector to be insured.
9. After section 39 of the principal Act, the following section shall be inserted, namely:—
- Insertion of new section 39A.
- "39A. The contribution payable under this Act in respect of an employee in the unorganized sector shall be in such manner as may be prescribed."
- Contribution of employee in the unorganized sector.
10. After section 40 of the principal Act, the following section shall be inserted, namely:—
- Insertion of new section 40A.
- "40A. The contribution payable under this Act by the employer with respect to an employee in the unorganized sector shall be in such manner as may be prescribed."
- Contribution of employer in the unorganized sector.
11. In section 95 of the principal Act, in sub-section (2), after clause (oa), the following clauses shall be inserted, namely:—
- Amendment of section 95.
- "(ob) the manner of appointment, qualifications, conditions of service, powers and duties, office and staff and such other conditions of competent authority for certification of employees and employers in the unorganized sector;
- (oc) the manner and procedure for certification of employees and employers in the unorganized sector;
- (od) the manner of fixing the rate of contribution and, procedure for collection of contribution from employees and employers in the unorganized sector;
- (oe) the process and manner for insuring the employees in the unorganized sector;
- (of) the procedure and manner for redressal of complaints and grievances of employees and employers in the unorganized sector;
- (og) any other manner which may be necessary or proper for the purpose of providing insurance coverage to the employees in the unorganized sector."

STATEMENT OF OBJECTS AND REASONS

The Employees' State Insurance Act, 1948 is a social security legislation that provides for certain benefits to employees in case of sickness, maternity and injury during the course of employment and to make provisions for certain other matters in relation thereto.

Keeping in view the changing needs of the society, it is essential to extend the application of the Act for providing medical care to unorganized sector workers. The Employees State Insurance Corporation being the premier social security agency has been running healthcare activities in the country. It is also the primary duty of the Government to take the healthcare of the employees in the unorganized sector. The healthcare insurance coverage of meager categories of unorganized workers introduced is not sufficient to address the issues. It is necessary to replace the existing scheme and provide all the ESI benefits available to employees in the organized sector to the employees in the unorganized sector. Considering the healthcare of employees in the unorganized sector, it is necessary to include the employees in the unorganized sector within the purview of the Employees State Insurance Act, 1948.

The Bill, therefore, seeks to amend Employees State Insurance Act, 1948 with a view to:—

(i) bring within the purview of the Act the employees in the unorganized sector such as agricultural workers, railway porters, Life Insurance Corporation (LIC) agents, Accredited Social Health Activists (ASHA) workers, auto/taxi drivers, tailors, building and other construction workers, fishermen, National Rural Employment Guarantee Programme (NREGP) workers, domestic workers, street vendors, sanitation workers, mine workers, rickshaw pullers, freelance journalists and such other categories of employees in unorganized sector;

(ii) designate competent Authority to certify the employee and employer in the unorganized sector for the purpose of this Act;

(iii) ensure the representation of trade unions representing the unorganized sector in the Employees State Insurance Corporation;

(iv) ensure the representation of employees from the unorganized sector in the Standing Committee of the Corporation; and

(v) ensure the representation of employees in the unorganized sector in the Medical Benefit Council.

Hence this Bill.

NEW DELHI;
June 3, 2019.

N.K. PREMACHANDRAN

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for the manner of appointment, qualifications, conditions of service, powers and duties, office and staff and such other conditions of competent authority for certification of employees and employers, etc. As the rules will relate to matters of detail only, the delegation of legislative power is, therefore, of a normal character.

BILL NO. 30 OF 2019

A Bill to prevent female infanticide.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Prevention of Female Infanticide Act, 2019.

Short title
and com-
mencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless for context otherwise requires,

Definitions.

(i) "girl child" means a girl upto the age of ten years; and

(ii) "prescribed" means prescribed by rules made under this Act.

3. Whoever causes, or does any act with the intention of causing death of a girl child or allows a sick girl child to die by deliberately not giving timely and proper medical assistance or does any act or neglects the care of the girl child which may result in her death, commits the offence of female infanticide.

Female
infanticide.

Information about birth or death of a girl child to be given to authorities.

4. (1) Whenever a girl is born or a girl child dies, it shall be the duty of the parents or the guardian of the child to inform the nearest health centre run by the Government or such authority as may be prescribed for this purpose, about the birth or death of the girl child.

(2) In case of death of a girl child, the child shall not be cremated or buried unless the health centre or such other authority, as may be prescribed for this purpose, has caused an investigation into the cause of the death of the child.

(3) The investigation under sub-section (2) shall be completed within twenty-four hours from the time the information about death is received.

Arrest of person committing female infanticide.

5. If after a preliminary investigation into the cause of the death of a girl child, any person is found to have committed the offence of infanticide, he shall be taken into custody at once.

Punishment.

6. Any person who commits or abets the commission of the offence of female infanticide or withholds information about the death of the girl child, shall be punished with imprisonment for a period of ten years and also with fine of rupees one lakh:

Provided that any person who withholds information about the birth of a girl shall be punished with imprisonment for a period of six months.

Investigation and filing of report.

7. Any inquiry or investigation into female infanticide and filing of reports or a suit in a court of law shall be completed within a period of three months from the date of the death of the girl child.

Offence to be non-bailable.

8. An offence under this Act shall be non-bailable.

Act to have over-riding effect.

9. The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in the Indian Penal Code, 1860 or any other law for the time being in force.

45 of 1860.

Power to make rules.

10. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

With the menace of dowry system still continuing in the country, birth of a girl child in an ordinary family is considered as inauspicious and a curse. Birth of a girl child is considered as a burden by poor families. As a result, the number of cases of female infanticide has increased manifold in the country. Thousands of innocent girls are dying prematurely as a result of inadequate care and indifference on the part of their families. It is high time that this dastardly act is brought to an end. However, in the absence of a stringent legislation, it is quite difficult to put end to this evil practice.

It is, therefore, proposed to bring forward a legislation providing for severe punishment to those who commit female infanticide in order to eradicate this malady from the country.

Hence this Bill.

NEW DELHI;
June 4, 2019.

ADHIR RANJAN CHOWDHURY

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 45 OF 2019

A Bill to provide for payment of pension and provision of rehabilitation facilities to old persons.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Old Age Pension and Rehabilitation Act, 2019.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government; and

(b) "old age person" means any person who has attained the age of sixty years or more and who has no independent and adequate means of livelihood; and

(c) "prescribed" means prescribed by rule made under this Act.

- 3.** (1) Every old age person shall, on an application made in the prescribed form, be paid rupees five hundred per mensem as pension, by the appropriate Government. Pension to old age persons.
- (2) The Pension payable shall be subject to alteration on the basis of the prevailing cost of living index as may be determined by the Central Government.
- (3) The pension referred to in sub-section (1) shall be disbursed to old age persons, by the appropriate Government through Government Treasury or any branch of nationalized bank as may be prescribed by the Central Government.
- 4.** The infirm from amongst the old age persons shall be accommodated in "Old Persons Home" to be set up in every district by the appropriate Government. Facilities for infirm old age persons.
- 5.** It shall be the responsibility of appropriate Government in their respective jurisdictions to provide old age persons,— Facilities to old age persons.
- (a) free medical aid in Government hospitals and other nearest dispensaries recognized by the Government; and
- (b) residential accommodation free of cost.
- 6.** (1) The Central Government shall, by notification in the official Gazette, set up a Fund to be known as the "Old Persons Welfare Fund" to carry out the purposes of this Act. Setting up of Old Persons Welfare Fund.
- (2) The Fund shall consist of the sums paid into it by the Central Government after due appropriation made by Parliament by law in this behalf and all such moneys received by way of grants or donations from any individual, organisation or agency including international agency.
- 7.** The expenses incurred on providing the old age persons with pension and other rehabilitation facilities provided under this Act shall be met out of the Fund constituted under section 6. Expenses to be met out of the Fund.
- 8.** (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.
- (2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

It is customary in our country for every Indian to look-after his aged parents but now the economic conditions are such that it is not possible for the low income persons to support them. Today we find millions of old persons who are unable to take care of themselves or who do not have sufficient means or any support to lead a happy life. These people, who are without any source of income, live in hunger and are left uncared for. The majority of the aged are still left to fend for themselves. Our country, being a welfare State, should provide social security to such old and infirm persons.

The Bill seeks to give impetus to the new social order and seeks to provide pension, medical and residential facilities to old age persons.

NEW DELHI;
June 3, 2019.

ADHIR RANJAN CHOWDHURY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the payment of pension at the rate of rupees five hundred per month to such old age persons who have attained the age of sixty years or more and who have no independent and adequate means of livelihood. Clause 4 provides that infirm persons from amongst the old age persons shall be accommodated in old persons homes to be set up in every district. Clause 5 provides for medical aid and residential facilities free of cost to old age persons. Clause 6 provides for the constitution of Old Persons Welfare Fund by the Central Government. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India.

It cannot be estimated at this stage as to how many old age persons will need assistance from the Central Government. However, an annual recurring expenditure of about rupees one thousand crore is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure to the tune of about rupees ten crore will also be involved at the initial stage.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 35 OF 2019

A Bill to prohibit and eradicate ragging in educational institutions and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Prohibition and Eradication of Ragging Act, 2019.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act and for different States, and any reference to commencement in any provision of this Act in relation to any State shall be construed as a reference to the commencement of that provision in that State.

Short title,
extent and
commence-
ment.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) “Committee” means the anti-ragging committee constituted under section 7;

(c) “Educational institution” means any college, institute, university whether established by the Government or by any citizen or body of citizens and whether in receipt of aid from Government or not, recognised by Central or State Government for the award of a certificate, diploma or a degree in any course of study, education or training;

(d) “freshers” means those students who have taken admission in the first year of under-graduate or post-graduate level in any stream in any educational institution;

(e) “head of the institution” means the Vice-Chancellor in case of a university or a deemed university and in case of any other institution, the Principal or the Director, as the case may be;

(f) “prescribed” means prescribed by rules made under this Act; and

(g) “seniors” means those students who are not in first year of under-graduate or post-graduate level in any stream in any educational institutions.

Application of the Act.

3. (1) The Act shall apply to all institutions coming within the definition of a University under sub-section (f) of section 2 of the University Grants Commission Act, 1956, and to all institutions deemed to be a university under section 3 of the University Grants Commission Act, 1956, and to all other higher educational institutions, or elements of such universities or institutions, including its departments, constituent units and all the premises, whether being academic, residential, playgrounds, canteen, hostel or other such premises of such universities, deemed universities and higher educational institutions, whether located within the campus or outside, and to all means of transportation of students, whether public or private, accessed by students for the pursuit of studies in such universities, deemed universities and higher educational institution.

(2) In addition to the educational institutions mentioned in sub-section (1), the provisions of this Act shall apply also to all vocational and professional institutions.

Acts which constitute ragging.

4. The ragging shall included following acts,—

(i) any conduct by any student or a group of students whether by words spoken or written or by an act which has the effect of teasing, treating, torturing, or handling with rudeness a fresher or any other student;

(ii) indulging in rowdy or indisciplinary activities by any student or a group of students which causes or is likely to cause annoyance, hardship, physical or psychological harm or to raise fear or apprehension thereof in any fresher or any other student;

(iii) asking any student to do any act which such student shall not in the ordinary course do and which has the effect of causing or generating a sense of shame, or torment or embarrassment so as to adversely affect the physique or psyche of such fresher or any other student;

(iv) any act by a Student that prevents, disrupts or disturbs the regular academic activity of any other student or a fresher;

(v) exploiting the services of a fresher or any other student for completing the academic tasks assigned to an individual or a group of student;

(vi) any act of financial extortion or forceful expenditure burden put on a fresher or any other student by students;

(vii) any act of physical abuse including sexual abuse, homosexual assaults, stripping, forcing obscene and lewd acts, gestures, causing bodily harm or any other danger to health or person;

(viii) any act or abuse, by use of spoken words, telephone, short message service (SMS), e-mails, multi-media messaging service, post, public insults, pornographic material, photographs or video clips, etc., to derive perverted pleasure, vicarious or sadistic thrill from actively or passively participating in the discomfiture or fresher or any other student; and

(ix) any act that affects the mental health and self-confidence of a fresher or any other student with or without an intent to derive a sadistic pleasure or showing off power, authority or superiority by a student over any fresher or any other student.

5. Notwithstanding anything contained in any other law, for the time being in force, in any trial under this Act, the burden of proof as to the innocence shall lie on the accused. Burden of proof.

6. (1) Notwithstanding anything contained in any other law for the time being in force the Central Government shall, as soon as may be, but within six months from the date of commencement of this Act, issue such directives for prohibition of ragging in all colleges and educational institutions functioning under Central Government as may be prescribed. Prohibition of ragging.

(2) The Central Government shall, issue similar directives to all State Governments for taking steps to prohibit ragging in all colleges and educational institutions in their respective jurisdiction.

(3) The prohibition under sub-section (1) shall also be extended to and educational institutions in the Union territories.

(4) Every public declaration of intent by any educational institution for admission of students to any course of study, brochure of admission or instruction booklet or the prospectus, in any electronic, audio-visual or print or any other media shall expressly provide that ragging is prohibited in the institution and anyone found guilty of ragging or abetting ragging whether actively or passively or being a part of conspiracy to promote ragging is liable to be punished in accordance with this Act.

7. (1) The appropriate Government shall ensure that an Anti-Ragging Committee is constituted in every educational institution headed by the senior most faculty of the institution and consisting of representatives of civil and police administration including at least one female representative and representative other from non-governmental organisation, parents, freshers and seniors. Constitution of Anti-Ragging Committee and its functions.

(2) The appropriate Government shall extend its full support to the Anti-Ragging Committee to enable it to perform its duties to the fullest to ensure that all colleges and educational institution are free from ragging and harassment of freshers.

(3) The Anti-Ragging Committee shall perform the following functions:—

(a) to receive complaints on ragging and submit a report to the head of the institution;

(b) to take inputs from various people including staff and freshers on any incident of ragging;

(c) to conduct necessary awareness programme to enlighten the students regarding the effects of ragging;

(d) after conducting thorough investigation, action to be taken against the offenders as per the rules prescribed under this Act.

8. (1) Every educational institution shall have an Anti-Ragging Squad. Constitution of Anti-Ragging Squad and its functions.

(2) The Anti-Ragging Squad shall function under the guidance of Anti-Ragging Committee consisting of the representatives nominated by the head of the educational institution.

(3) The Anti-Ragging Squad shall—

(a) make surprise checks in hostel and campus to keep a check on ragging;

(b) report any incident of ragging to the committee;

(c) be in constant touch with the staff and students and consult various incidents of ragging.

Penalty.

9. (1) Any student convicted under this Act shall be debarred from continuing his studies in any educational institutions for a period of three years.

(2) Whoever contravenes the provisions of this Act shall be punished with fine which shall not be less than rupees twenty-five thousand but which may extend upto rupees one lakh or with rigorous imprisonment for a term which may extend upto three years or, with both.

(3) The appropriate Government shall direct University Grants Commission or the funding agency of the educational institution, as the case may be, to take such steps against the head of the educational institution who fails to prevent ragging in such manner may deem necessary.

Proceeding.

10. The proceeding under this Act shall be tried by the Educational Tribunal or the High Court in the respective State as far as possible.

Provisions of the Code of Criminal Procedure to be applied.

11. Save as provided under this Act, the provisions of the Code of Criminal Procedure 1973 shall be applicable to any trial under this Act.

Overriding effect of the Act.

12. The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force.

Power to make rules.

13. (1) The Central Government may by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Ragging is rising problem which is escalating on a daily basis needs to be addressed immediately. It mainly concerns with the new generation who take admission in academic institutes, colleges or university having a dream of a bright future which ultimately results in the upliftment of the society and the country as a whole. Ragging has been recognised as a Human Rights Violation. There have been many instances where ragging has led to death of a student. In many cases, it has been observed that a lot of students go into depression or drop out of the college, institute or university seeing the plight of these students, all sections of the society are raising their voice to prohibit ragging and are demanding that the Government must take proactive steps to eradicate this menace to the society.

On the 8th May, 2009, the Hon'ble Supreme Court ordered the Union Government to implement a plan for prevention of ragging. Following this Judgment the University Grants Commission (UGC) and other regulatory authorities like All India Council for Technical Education (AICTE), Medical Council of India (MCI), Dental Council of India (DCI), etc. published a single set of regulations that would cover the entire nation and all educational institutions. The regulations of University Grants Commission (UGC) came into effect on June, 2009.

This Bill combines the essential elements of UGC regulations and the order of the Hon'ble Supreme Court. Therefore, in a certain sense, the Bill simply formalises what exists as of today. All elements of the Bill are actually in place at present.

Hence this Bill.

NEW DELHI;
June 4, 2019.

ADHIR RANJAN CHOWDHURY

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of details only, the delegation of legislative power is of normal character.

BILL NO. 46 OF 2019

A Bill to protect the interests of agricultural workers and for matters connected therewith

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

Short title and extent.

1. (1) This Act may be called the Agricultural Workers (Employment, Conditions of Service and Welfare) Act, 2019.

(2) It extends to the whole of India.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "agricultural workers" means a person who follows one or more of the following agricultural occupations in the capacity of labourer on hire or in exchange whether in cash or in kind or partly in cash and partly in kind—

(i) farming, including the cultivation and tillage of soil;

(ii) dairy farming;

(iii) pisciculture;

(iv) production, cultivation, growing and harvesting of any horticulture, floriculture commodity;

(v) raising of livestock, bee-keeping or poultry;

(vi) any practice performed on a farm as incidental to, or in conjunction with, the farm operations (including any forestry or timbering operations and the preparation for market and delivery to storage or to market or to carriage for transportation of farm products); and

(vii) growing fodder or thatching grass for grazing cattle; and

(b) "prescribed" means prescribed by rules made under this Act.

3. The Central Government shall, by notification in the official Gazette establish an Agricultural Workers Welfare Board (hereinafter referred to as Board) to protect the interests of agricultural workers in the country.

Establishment of
Agricultural
Workers Welfare
Board.

4. (1) The Board shall consist of a Chairperson and twenty other members.

Chairperson and
other members
of Board.

(2) The Chairperson of the Board shall be elected by the members of the Board in such manner as may be prescribed.

(3) The members of the Board shall be chosen by agricultural workers in such manner as may be prescribed.

(4) The Chairperson and other members of the Board shall hold office for a period of five years.

(5) The salary and allowances payable to, and other terms and conditions of service of the Chairperson and members of the Board shall be such as may be prescribed.

(6) The Headquarters of the Board shall be at New Delhi.

5. The Board shall—

Functions of
Board.

(i) lay down broad guidelines for welfare of agricultural workers;

(ii) provide employment to agricultural workers during off season period or during natural calamities with such wages as may be prescribed;

(iii) provide financial assistance to agricultural workers in case employment is not provided to them; and

(iv) establish committees at State level with such composition, as may be prescribed, to monitor the implementation of guidelines laid down by the Board for welfare of agricultural workers.

6. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds for carrying out the purposes of this Act.

Central
Government to
provide funds.

7. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make
rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

There are about three hundred and twenty million workers in the country, out of whom twenty million are agricultural workers. Floods and droughts play havoc in the lives of agricultural workers. The use of pesticides and chemical fertilizers also cause serious health hazards to the agricultural workers. Their jobs are at the mercy of the land owners and there is no security of employment. It is, therefore, necessary that the interests of the agricultural workers are fully protected and the benefits available to industrial workers in the country are also provided to agricultural labourers.

Hence this Bill.

NEW DELHI;
June 3, 2019.

ADHIR RANJAN CHOWDHURY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for establishment of Agricultural Workers Welfare Board to protect the interests of agricultural workers in the country. Clause 5 provides for employment and assistance to agricultural workers during off season period. Clause 6 provides for supply of requisite funds by the Central Government to implement the provisions of the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of about rupees three hundred crore from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 52 OF 2019

A Bill to provide for compulsory voting by the electorate in the country and for matters connected therewith.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Voting Act, 2019.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. It shall be compulsory for every voter who is eligible to vote at an election to exercise his right to vote when called for by the Election Commission:

Compulsory
voting.

Provided that a voter may be exempted from exercising his right to vote—

(a) if he is physically incapacitated from an illness of a serious nature and produces a medical certificate from a registered medical practitioner certifying such incapacity; or

(b) if the Election Commission or such other authority as may be empowered by the Election Commission, on receipt of a request either before or after the poll, from the voter, is satisfied that there are genuine and *bona fide* grounds for such exemption.

Protection and safety for voters at polling booths.

3. The Election Commission shall ensure protection and safety of all citizens who come to polling booths to cast their votes.

Sending of list of names of voters not casting their votes to the Government.

4. The Election Commission shall send a list of names of all eligible voters, who have not cast their votes, to Central Government or the State Government, as the case may be.

Adequate number and spacing of polling booths.

5. (1) There shall be set up adequate number of polling booths at convenient locations, in every constituency of the House of the People or Legislative Assembly, as the case may be.

(2) The polling booths shall be set up in such a way—

(i) that number of voters in each booth shall be equal to the extent possible;

(ii) that the distance between one polling booth and another shall not exceed five hundred meters:

Provided that in hilly regions and desert areas polling booths may be set up according to geographical convenience and density of population.

Special arrangements for poll staff.

6. There shall be made suitable arrangements enabling the persons deployed in connection with the polling duty to cast their votes.

Special arrangements for senior citizens, etc.

7. There shall be made separate arrangement in every polling booth for senior citizens, physically challenged persons and pregnant women to enable them to cast their votes.

Punishment.

8. Any person, who fails to cast his vote shall be liable to—

(i) A fine of rupees five hundred, or

(ii) two day's imprisonment, or

(iii) forfeiture of his ration card;

(iv) be rendered ineligible for contesting any election for a period of ten years from the date of his conviction;

(v) be ineligible for allotment of a plot or a house in a Government owned organisation;

(vi) be ineligible to get loan of any kind from any financial institution owned by the Government;

(vii) be ineligible for entitlement to any welfare scheme announced by the Government from time to time:

Provided that if such person is an employee of the Union Government or the State Government or the Union territory administration or any public sector undertaking owned or controlled by Union Government or the State Government or the Union territory administration, such person shall also be punished with—

(a) forfeiture of ten days' salary; and

(b) delay in promotion for a period of two years.

Incentive for voting.

9. Any person who, despite his illness or physical incapacity has exercised his right to vote at an election or any person who has exercised his right to vote at all elections held

during a period of fifteen years preceding the commencement of this Act without any break shall be—

- (i) given preference in jobs in the services under the Central Government; and
- (ii) given preference in admission to the institutions of higher education.

10. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to
make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Our country is the largest democracy in the world having population of more than a billion. But it has been seen that only about fifty per cent of the eligible voters exercise their right to vote. During almost all the elections in the country, it has been observed that the number of actual voters is far below the number of eligible voters. Therefore, the average voting is very low. This type of electoral trend makes it clear to us that suitable steps are necessary to encourage the citizens to exercise their right to vote in order to elect their representative so that the results of the election show the will of all the electors and not just a segment of them.

In the last few elections, the problem of low voting percentage has become worse and the voting percentage has gone down even below fifty per cent. In many cases, citizens either deliberately avoid casting their votes or even boycott elections. Therefore, the Bill seeks to make voting compulsory for all the electors subject to certain restrictions so that the voting percentage in the country is increased. However, the citizens who are either physically incapacitated or have *bona fide* reasons have been given exemption under the Act.

Since voting is being made compulsory, punishment is also sought to be given to those who do not cast their votes. At the same time, incentives are also proposed for those who do exercise their right to vote without break or in spite of illness.

Hence this Bill.

NEW DELHI;
June 4, 2019.

JANARDAN SINGH 'SIGRIWAL'

FINANCIAL MEMORANDUM

Clause 5 provides for setting up of adequate polling booths in every constituency. Clauses 6 and 7 provide for special arrangements for persons deployed for poll duty and for special arrangements for senior citizens, physically challenged persons and pregnant women to enable them to cast their votes. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees eight crore is likely to be involved.

A non-recurring expenditure of about rupees fourteen crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill which will relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

BILL NO. 40 OF 2019

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2019.

Short title.

2. In the Eighth Schedule to the Constitution,—

Amendment
of the Eighth
Schedule.

(i) existing entries 3 to 9 shall be re-numbered as entries 4 to 10, respectively, and before entry 4 as so re-numbered, the following entry shall be inserted, namely:—

"3. Bhojpuri.";

(ii) after entry 10 as so re-numbered, the following entry shall be inserted, namely:—

"11. Magahi.";

(iii) entries 10 to 22 shall be re-numbered as entries 12 to 24, respectively.

STATEMENT OF OBJECTS AND REASONS

Language is not only a medium of communication but also a sign of respect. Language also reflects on the history, culture, people, system of governance, ecology, politics, etc. 'Bhojpuri' language is also known as Bhojpuri, Bihari, Deswali and Khotla and is a member of the Bihari group of the Indo-Aryan branch of the Indo-European language family and is closely related to Magahi and Maithili languages.

Bhojpuri language is spoken in many parts of north-central and eastern regions of this country. It is particularly spoken in the western part of the State of Bihar, north-western part of Jharkhand and the Purvanchal region of Uttar Pradesh. Many Bhojpuri magazines and newspapers are published in the States of Bihar and Uttar Pradesh. Bhojpuri language is spoken by over 40 million people in the country. As per the Census 2001, a total of 3,30,99,497 persons in the country have mentioned Bhojpuri as their Mother Tongue.

The prosperity of a society is earmarked by its linguistic heritage. If one goes through the history of Bhojpuri language, it dates back to seventh century. Due to a long history of emigration from the Bhojpuri regions, this language has spread over all continents of the world. It is also one of the national languages of Fiji spoken as 'Fiji Hindi'.

Bhojpuri culture is popular even in countries like Nepal, Mauritius, Sri Lanka, Thailand, England and Greece. In about twenty countries across the world, fifteen to sixty-five per cent. of the population is Bhojpuri speaking. In Nepal, Bhojpuri is spoken by over two million people. Bhojpuri is also spoken by over four lakh people in Mauritius.

Variants of Bhojpuri are spoken by descendants of Bhojpuri-speaking plantation workers in several countries like Guyana, Suriname, Fiji, Trinidad and Tobago.

In addition to Bhojpuri, 'Magahi' is one of the prominent language spoken by millions in the eastern part of India specially in various districts of the States of Bihar, Jharkhand, Odisha and West Bengal. The language carries the rich cultural heritage and traditions of the people residing in these areas. Research has shown that it is being spoken since Mauryan era. Because of onslaught of English and *Khari Boli*, the future of this language appears to be flattened. It is, therefore, the duty of the Government to protect this language, being an important part of our heritage.

In view of above, in order to promote, integrate and empower 'Bhojpuri' and 'Magahi' languages and to protect the culture and traditions of the speakers of these languages and also taking into consideration importance of these languages, it is necessary that these languages be given their due recognition by including them in the Eighth Schedule to the Constitution.

Hence this Bill.

NEW DELHI;
June 4, 2019.

JANARDAN SINGH 'SIGRIWAL'

BILL NO. 53 OF 2019

A Bill to provide for the establishment of a permanent Bench of the High Court at Patna at Maharajganj.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. This Act may be called the High Court at Patna (Establishment of a Permanent Bench at Maharajganj) Act, 2019.

Short title.

2. There shall be established a permanent Bench of the High Court at Patna at Maharajganj and such Judges of the High Court at Patna, being not less than five in number, as the Chief Justice of that High Court may from time to time nominate, shall sit at Maharajganj in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in the districts of Siwan, Saran, Gopalganj, East Champaran, West Champaran, Sitamarhi, Muzaffarpur and Shivhar.

Establishment of a permanent Bench of High Court at Patna at Maharajganj.

STATEMENT OF OBJECTS AND REASONS

The demand for establishment of a permanent Bench of the Patna High Court in the Northern Bihar has been pending for a long time, but the demand has not yet been fulfilled. The Patna High Court is heavily burdened and lakhs of cases are pending before that High Court. The delay in disposal of cases is resulting in hardship for the people living particularly in North-western part of the State. People of North-western Bihar have to suffer on account of travelling long distance and incurring expenditure for attending their pending cases in the High Court at Patna.

The Bill, therefore, seeks to establish a permanent Bench of High Court at Patna at Maharajganj. A permanent Bench of the High Court, if established at Maharajganj, would go a long way in providing much needed relief to those who are not in position to bear the burden of expenditure on account of travelling to attend the hearings of their cases at the High Court at Patna.

Hence this Bill.

NEW DELHI;
June 4, 2019.

JANARDAN SINGH 'SIGRIWAL'

BILL No. 38 OF 2019

A Bill to provide for welfare measures for the poor and destitute and such other agricultural workers living in villages and constitution of a Welfare Fund for payment of compensation in cases of death or permanent disability, old-age pension, medical assistance, maternity and creche facilities for the women workers and for regulating the conditions of work and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Poor and Destitute Agricultural Workers (Welfare) Act, 2019.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "agricultural land" means any cultivable land used for cultivation of any agricultural produce, dairy farming, growing and harvesting of any horticultural product, raising and rearing of livestock, beekeeping, poultry, growing fodder and such other activities as may be connected with agriculture;

(b) "agricultural worker" means any person who works as a labourer on hire or in exchange whether in cash or in kind or partly in cash and partly in kind in farming activities including cultivation and tillage of soil, dairy farming, activities related to harvesting of horticultural commodities and includes any activity related to production of agricultural produce and rearing of livestock, poultry or any such work;

(c) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(d) "Authority" means the Poor and Destitute Agricultural Workers Welfare Authority established under section 3;

(e) "employer" means any person who employs agricultural workers in any manner;

(f) "Fund" means the Poor and Destitute Agricultural Workers Welfare Fund constituted under section 5;

(g) "poor and destitute" means any person not living in a pucca house and includes those who live in huts with thatched roof or kutchha house and whose annual income from all sources does not exceed rupees ten thousand; and

(h) "prescribed" means prescribed by rules made under this Act.

Establishment
of a Poor
and Destitute
Agricultural
Workers and
Artisans
Welfare
Authority.

3. (1) The Central Government shall, as soon as may be, by notification in the Official Gazette, establish on authority to be known as Poor and Destitute Agricultural Workers Welfare Authority for the purposes of this Act.

(2) The Authority shall be a body corporate by the name aforesaid having perpetual succession and common seal with power to acquire, hold and dispose off property, both movable and immovable, and to contract and shall by the said name, sue and be sued.

(3) The headquarters of the Authority shall be at Maharajganj in the State of Bihar and the Authority may establish offices at such other places in the country as it may deem necessary for carrying out the purposes of this Act.

(4) The Authority shall consist of the following members, namely:—

(a) the Union Minister of Labour and Employment, who shall be the Chairperson *ex-officio*;

(b) a Deputy Chairperson to be appointed by the Central Government having the background or specialization in labour related issues and such other qualifications as may be prescribed;

(c) five members of Parliament of whom three shall be from the House of the People and two from the Council of States to be nominated by the presiding officer of the House concerned;

(d) four members to be appointed by the Central Government to represent the Union Ministries of Agriculture, Finance, Labour and Employment and Rural Development respectively;

(e) three members to be appointed by the Central Government from amongst the poor and destitute agricultural workers in such manner as may be prescribed; and

(f) not more than four members to be appointed by the Central Government in consultation with the State Governments, representing State Governments in the

alphabetical order and it shall be ensured that all the States get represented in the Authority by rotation.

(5) The salaries and allowances payable to, and other terms and conditions of service of the Deputy Chairperson and other Members of the Authority shall be such as may be prescribed.

(6) The Authority shall have a Secretariat with such number of officers and staff with such terms and conditions of service as may be prescribed from time to time.

(7) The Authority shall observe such procedure in the transaction of its business, as may be prescribed.

(8) The quorum to constitute any sitting of the Authority shall be such as may be prescribed.

4. (1) The Authority shall perform such functions relating to welfare measures for the poor and destitute agricultural workers as may be assigned to it by the Central Government.

Functions of the Authority.

(2) Without prejudice to the generality of the provisions of sub-section (1), the welfare measures referred to therein may also provide for,—

(i) maintaining a district-wise register of poor and destitute agricultural workers in such manner and with such particulars and details as may be prescribed;

(ii) maintaining agricultural land records from village level to district level;

(iii) maintaining district-wise register of employers employing poor and destitute agricultural workers with such particulars and in such manner as may be prescribed;

(iv) regulating the conditions of work and fix minimum wages for the poor and destitute agricultural workers;

(v) payment of old-age pension to the poor and destitute agricultural workers and provision of provident fund facilities for them;

(vi) payment of compensation at prescribed rates to the families of poor and destitute agricultural workers who die prematurely due to accident or illness or due to any other unnatural reason;

(vii) providing free of cost health care to the poor and destitute agricultural workers in such manner as may be prescribed;

(viii) providing maternity and creche facilities for the female workers covered under this Act;

(ix) providing insurance facility to all the workers covered under this Act; and

(x) such other provisions as may be deemed necessary for carrying out the purposes of this Act.

5. (1) The Central Government shall, by notification in the Official Gazette, constitute a Fund for the purposes of this Act to be called the Poor and Destitute Agricultural Workers Welfare Fund with an initial corpus of rupees ten thousand crore to be provided by the Central Government by due appropriation made by law by Parliament in this behalf.

Establishment of a Poor and Destitute Agricultural Workers Welfare Fund.

(2) The Central Government, State Governments and employers of the poor and destitute agricultural workers shall contribute to the Fund in such ratio as may be prescribed.

(3) Such other sums as may be received by way of donations, contribution or assistance from individuals, organizations or otherwise shall also be credited to the Fund.

(4) The Fund shall be used for the welfare of the poor and destitute agricultural workers by the Authority in such manner as may be prescribed.

Appropriate Government to ensure implementation of the Act.

6. Notwithstanding anything contained in any other law for the time being in force, it shall be the duty of the appropriate Government to ensure effective implementation of the provisions of this Act.

Power to remove difficulties.

7. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of such difficulty:

Provided that no such order or direction shall be made or given after the expiry of two years from the commencement of this Act.

Act not in derogation of any other law.

8. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt within this Act.

Powers to make rules.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Majority of our population lives in the villages and most of them depend on agriculture in one way or the other. Millions of poor and destitute agricultural workers form part of the rural population. The agricultural workers work on the fields or farms of the farmers to earn their livelihood. They are poverty-stricken, homeless as they live in huts with thatched roof with no security from rains and cold and are landless and remain exploited throughout their lives. As they are unorganized they work round the year and are denied even the basic facilities of minimum wages, maternity benefit etc. by their employers. Even two square meals and a pair of clothes is a luxury for them.

Ours is a welfare State. Hence it is the duty of the Central and State Governments to protect the poor and destitute agricultural workers, who make immense contribution to our GDP, by introducing welfare measures and legal protection for them as they too are part and parcel of our society and the nation.

Hence this Bill.

NEW DELHI;
June 4, 2019.

JANARDAN SINGH 'SIGRIWAL'

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of a Poor and Destitute Agricultural Workers Welfare Authority. Clause 4 provides for maintaining a district-wise register of poor and destitute agricultural workers and for provision of certain facilities to these workers. Clause 5 provides for the constitution of the Poor and Destitute Agricultural Workers Welfare Fund with an initial corpus of rupees ten thousand crore to be provided by the Central Government. Thereafter, funds are to be provided annually. The Bill, therefore, if enacted, is likely to involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five thousand crore would be involved as recurring expenditure per annum. A non-recurring expenditure of about rupees one thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 61 OF 2019

A Bill to constitute an Authority to ensure stabilization of population of cows (Bos indicus) and to suggest such measures to comply with articles 37 and 48 of the Constitution, to ban the slaughter of cows and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Cow Protection Act, 2019.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Authority" means the National Cow Protection Authority constituted under section 3;

(b) "cow protection" means total ban in any form of injury or slaughter or enforced starvation of the breed of Indian cow (*Bos indicus*);

(c) "Gowshalas" means health compliant hygienic comfortable shelters for Indian cow; and

(d) "prescribed" means prescribed by the rules made under this Act.

3. (1) With effect from such date as the Central Government may, by notification, appoint, there shall be constituted, for the purposes of this Act, an Authority, to be known as the National Cow Protection Authority consisting of the following members, namely,—

Constitution of National Cow Protection Authority.

(a) Secretary, Department of Animal Husbandry in the Ministry of Agriculture-Chairperson, ex-officio; and

(b) five persons of eminence in the fields of agricultural economics, animal welfare and ancient Indian history or culture—Members.

(2) The Central Government shall appoint such number of officers and staff as it considers necessary for the function of the Authority.

(3) The salary and allowances payable to and other terms of conditions of service of members, officers and staff of the Authority shall be such as may be prescribed.

4. The Authority shall meet at such time and place and shall observe such rules of procedure with regard to transaction of business at its meetings as may be prescribed by the Central Government.

Meetings of the Authority.

5. (1) The Authority shall discharge such functions as may be necessary to ensure stabilization of the cow population in the country and formulate a comprehensive policy for the purpose within one year after its constitution.

Functions of the Authority.

(2) Without prejudice to the provisions contained in sub-section (1), the functions of the Authority shall include—

(a) undertaking of a baseline study to collect data about cow population and to formulate a Qualitative Cow Dignity Index (CDI) as may be prescribed which shall be completed within one year of setting up of the Authority;

(b) formulation of schemes to provide for healthy *Bos Indicus* cows and calves;

(c) providing funds to help incentivise adoption of cow and setting up of Gowshalas;

(d) making recommendation to the Central Government, deterrent penalties including death penalty, to those who commit offences against cows and not follow the policies framed by the Authority;

(e) framing syllabus for awareness about importance of cow protection and development all over the country; and

(f) conducting awareness campaigns about medical imperatives for improving health of *Bos Indicus* cows and progeny.

6. (1) The Authority shall prepare once every year an annual report in such form, as may be prescribed, giving the summary of its activities, including schemes it has undertaken and recommended to the Government during the previous year and statements of annual accounts of the Authority.

Annual Report and its laying before Parliament.

(2) A copy of the Report shall be forwarded to the Central Government and the Central Government shall lay the Report before each House of Parliament as soon as it is received and shall also lay the action taken thereon within a period of three months from the date of receipt of the report.

7. The Central Government shall, from time to time, provide after due appropriation made by Parliament by law in this behalf, requisite funds for carrying out the purposes of this Act.

Central Government to provide Funds.

2 of 1974.

8. The Central Government shall on the recommendation of the Authority prosecute any person within the framework of the Code of Criminal Procedure, 1973 on committing any offence prescribed by law.

Prosecution for offences.

Power to
remove
difficulty.

9. If any difficulty arises in giving effect to the provisions of this Act, the Central Government, in consultation with the State Governments, may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it be necessary or expedient for the removal of any difficulty:

Provided that no such order shall be made after the expiry of three years from the date of commencement of this Act.

Power to
make rules.

10. (1) The Central Government, in consultation with the State Governments, may by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament or, as the case may be, each House of the State Legislature, while it is in session, for a total period of thirty days which may be comprised in one session or two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, Parliament or, as the case may be, the State Legislature agrees in making any modification in the rule or agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Article 48 of the Constitution enjoins on the State to organize agricultural and animal husbandry on modern and scientific lines and in particular to take steps for preserving and improving the breeds and prohibiting the slaughter of cow and its progeny. Article 37 provides *inter-alia* that the State shall apply these principles (Directive Principles) in making laws. It is, therefore, proposed to enact a uniform central law to constitute an Authority to ensure stabilization of the cow population in the country and to ban the slaughter of cows.

The salient features of the Bill are—

(i) total ban in any form of injury or slaughter or enforced starvation of the breed of Indian cow (*Bos indicus*) as envisaged by Mahatma Gandhi as an imperative for free independent India;

(ii) provision of funds to help incentivise adoption of cow and setting up of Gowshalas; and

(iii) constitution of the National Cow Protection Authority to formulate a comprehensive policy for the stabilization of the cow population within one year after its constitution.

Hence this Bill.

NEW DELHI;
June 4, 2019.

NISHIKANT DUBEY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of the National Cow Protection Authority and appointment of officers and staff for this authority. Clause 7 requires the Central Government to provide, requisite funds for carrying out the purposes of this legislation. The Bill, if enacted, will involve expenditure, recurring and non-recurring, from the Consolidated Fund of India. However, it is not possible to assess the actual financial expenditure which is likely to be incurred at this stage.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative powers is of a normal character.

BILL NO. 32 OF 2019

A Bill further to amend the Right of Children to Free and Compulsory Education Act, 2009.

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Right of Children to Free and Compulsory Education (Amendment) Act, 2019.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment
of section 2.

2. In the Right of Children to Free and Compulsory Education Act, 2009 (hereinafter referred to as the principal Act), in section 2,—

35 of 2009.

(a) in clause (c), for the words "six to fourteen years", the words "three to eighteen years" shall be substituted;

(b) in clause (n), after the word "imparting", the words "pre-school education and" shall be inserted.

Amendment
of section 3.

3. In section 3 of the principal Act, for the words "six to fourteen years", the words "three to eighteen years" shall be substituted.

Amendment
of section 4.

4. In section 4 of the principal Act, for the words "child above six years of age", the words "child above three years of age" shall be substituted.

Amendment
of section 8.

5. In section 8 of the principal Act, in clause (a), for the *Explanation* the following shall be substituted namely:—

“*Explanation.*—The term “compulsory education” means obligation of the appropriate Government to—

(i) provide free pre-school education and elementary school education to every child of the age of three to eighteen years; and

(ii) ensure compulsory admission, attendance and completion of pre-school education and elementary education by every child of the age of three to eighteen years.”

Amendment
of section 9.

6. In section 9 of the principal Act, in clause (d) for the words “up to the age of fourteen years”, the words “up to the age of eighteen years” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

India being the signatory to the United Nations Convention on the Rights of the Child (UNCRC), had committed to Article 28 of the UNCRC, made it incumbent on the State to provide elementary education compulsory and free to all. The foundation of schooling is laid in the early years between the ages of three to six years. These early years are regarded as the foundation years and critical for mental and emotional development of a child. The age group is significant for brain development and sets the foundation for sound and basic learning in later years. Hence, it is proposed that minimum age of children is to be reduced from six to three years so that this important age group is covered under the Right of Children to Free and Compulsory Act, 2009. Moreover, the existing school system in our country consists from elementary to plus two, accordingly, the maximum age of children for free and compulsory education be enhanced from fourteen to eighteen years.

Hence, this Bill.

NEW DELHI;
June 4, 2019.

NISHIKANT DUBEY

FINANCIAL MEMORANDUM

Section 7 of the principal Act makes it obligatory for the Central and State Governments to provide funds for carrying out provisions of the Act. The proposed amendments as given in clauses of the Bill lowers the entry level age from 6 to 3 years and increases the maximum age limit from 14 to 18 years of every child for free and compulsory education, thereby increasing the financial burden of the Central Government. The Bill, if enacted, would involve additional expenditure from the Consolidated Fund of India and it is very difficult to estimate the expenditure at this juncture as the same would depend upon the number of students added by the proposed amendment of the Act.

No non-recurring expenditure is likely to be involved.

BILL NO. 48 OF 2019

A Bill to provide for the removal of hunger and malnutrition and for the prevention of starvation deaths of tribal children including adolescent and young girls and pregnant and lactating women in tribal areas of the country particularly in the State of Jharkhand through a nodal agency at the National and State levels, by formulating a National policy for the purpose and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Tribal Children and Lactating Women in Jharkhand and other States (Removal of Hunger, Malnutrition and Prevention of Starvation Deaths) Act, 2019.

Short title and
commencement.

(2) It shall come into force with immediate effect.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "adolescent girl" means a female human being who has attained puberty and is below the age of eighteen years;

(b) "appropriate Government" means in the case of a State, the Government of that State and in other cases the Central Government;

(c) "girl child" means a female human being who is below the age of twelve years;

(d) "Nodal Agency" means the Nodal Agency constituted under section 4 for the purposes of this Act;

(e) "prescribed" means prescribed by rules made under this Act.

National
Policy for the
removal of
hunger,
malnutrition
and prevention
of starvation
deaths of tribal
children and
lactating
mothers.

3. (1) Notwithstanding anything contained in any other law for the time being in force, the Central Government shall, as soon as may be, but not later than one year of the commencement of this Act, formulate and publish in the Official Gazette, a National Policy for the overall protection and removal of hunger, malnutrition and prevention of starvation deaths of tribal children and pregnant and lactating tribal women particularly in the tribal areas of Jharkhand State and shall take appropriate measures for the uniform implementation of such Policy.

(2) In particular and without prejudice to the generality of the provisions contained in sub-section (1), the National Policy may include provision for,—

(a) conducting surveys, from time to time of the tribal children, pregnant women and lactating mothers in the tribal areas of Jharkhand State and other parts of the country who are malnourished, anaemic and underweight and maintaining district-wise data thereof in such manner and with such particulars as may be prescribed;

(b) conducting periodic medical examination of every child including girl child and adolescent girls, pregnant as well as lactating mothers covered under this Act and for taking such remedial measures as may be recommended by dieticians and medical authorities;

(c) making it mandatory for the appropriate Government to ensure as well as provide at least two healthy meals per day, milk, seasonal fruits, folic acid and multi-vitamin tablets to every malnourished or anaemic and underweight children, girl child, pregnant and lactating women covered under this Act;

(d) providing medical care to the children and women covered under this Act and providing sanitary napkins and proper dresses to adolescent and grown up girls covered under this Act by the appropriate Government in such manner as may be prescribed.

Constitution
of a Nodal
Agency.

4. (1) The Central Government shall, by notification in the Official Gazette, constitute a Nodal Agency consisting of a Chairperson, such number of members representing various fields, such number of officers and staff as may be prescribed, for the purpose of this Act.

(2) The salary and allowances payable to and other terms and conditions of service of the Chairperson, members, officers and staff of the Nodal Agency and procedure to be followed by the Nodal Agency in discharging its functions shall be such as may be prescribed.

(3) The Nodal Agency shall,—

(a) classify tribal areas in each State as high, medium or low burden area with regard to malnutrition, anaemia, hunger, starvation deaths and such other issues as may be prescribed;

(b) identify malnutrition, anaemia, hunger eradication targets and suggest measures to overcome the problem of malnutrition, anaemia, hunger cases in tribal areas of every State in a time bound manner; and

(c) recommend to the Central Government and State Governments having tribal areas within their territorial jurisdiction with regard to the implementation of this Act and framing of rules and regulations as it may consider necessary.

5. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds, from time to time, to the States and Union territories for carrying out the purposes of this Act.

Central Government to provide requisite funds.

6. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to have overriding effect.

7. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force dealing with the subject matter of this Act.

Act to supplement other laws.

8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter, have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Our vast Nation, the second most populous in the globe after China has, unfortunately, the highest number of malnourished and anaemic children including girl child, adolescent girls, women including pregnant and lactating mothers. The problem is more acute in the tribal areas of our country.

In Jharkhand alone, every monsoon over 40,000 children slip into malnutrition in tribal dominated Santhal Pargana. Due to persistent hunger, anaemia amongst the girl child, adolescent girls, pregnant women and lactating mothers is prevalent not only in Santhal Pargana but also in almost all the tribal areas of the country. Starvation deaths, though generally denied by the Government authorities, are also reported from time to time not only in tribal areas of Jharkhand but also from other States too.

On record there are at least 15 schemes to augment the nutrition of children and mothers in Santhal Pargana but on ground, due to lack of funds for these schemes, the road out of hunger is paved with failures. The Union Ministry of Women and Child Development implements Integrated Child Development Services (ICDS) Scheme to control malnourishment through Anganwadis but it hardly reaches in tribal areas.

Hence, it is high time to pay more and concerted attention for the removal of hunger, malnutrition, anaemia amongst the children, girl child including adolescent girls, pregnant and lactating women in tribal areas of Jharkhand and other parts of the country so as to prevent starvation deaths in such areas.

Hence this Bill.

NEW DELHI;
June 4, 2019.

NISHIKANT DUBEY

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for constitution of a Nodal Agency to identify areas affected with malnutrition, anaemia, hunger, starvation deaths and suggest measures to overcome the problems in tribal areas.

Clause 5 of the Bill makes it mandatory for the Central Government to provide requisite funds for carrying out the purposes of this Bill. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is not possible to quantify the expenditure at this stage but it is estimated that a sum of rupees one lakh crore will involve as recurring expenditure per annum.

A non-recurring expenditure of rupees fifty crore may also involve for creating assets for implementation of the provisions of this Bill.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 33 OF 2019

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2019.

Short title.

2. After article 370 of the Constitution, the following article shall be inserted, namely:—

Insertion of
new article
370A.

“370A. Notwithstanding anything contained in article 81, until the area of the State of Jammu and Kashmir and Gilgit-Baltistan under the occupation of Pakistan ceases to be so occupied and the people residing in that area elect their representatives,

Seats in the
House of the
People to be
kept for the
territory of
the State of
Jammu and
Kashmir and
Gilgit-
Baltistan
under the
occupation of
Pakistan.

(i) five seats in the House of the People shall remain vacant, but such seats shall not be taken into account for reckoning the total membership of the House of the People or the Council of States, as the case may be; and

(ii) the said area shall be excluded in delimiting the territorial constituencies under article 82.”.

STATEMENT OF OBJECTS AND REASONS

A large part of the State of Jammu and Kashmir and Gilgit-Baltistan was occupied by Pakistan after the 1948 war between two countries. Even after the passage of sixty-six years of the said war, that area, which legitimately belongs to India, still remains under the occupation of Pakistan. The solution to the Kashmir imbroglio is possible only when the area under illegal occupation of Pakistan is returned to India and the people there are able to live in a free and democratic environment.

It is a matter of extreme surprise that the composition of the Lower House, i.e. the House of the People, does not take into account this territory which is under illegal occupation of another country. The State Legislature of Jammu and Kashmir keeps twenty-four seats in the assembly vacant for the territory under illegal occupation of Pakistan until that area is reunited with the State. However, no such provision exists in the case of the House of the People and the Council of States. It would be proper that for the area of the State of Jammu and Kashmir including Gilgit-Baltistan under illegal occupation of Pakistan, five seats in the House of the People and one seat in the Council of States be kept vacant till that area is reunited with the State of Jammu and Kashmir.

Hence this Bill.

NEW DELHI;
June 4, 2019.

NISHIKANT DUBEY

BILL NO. 49 OF 2019

A Bill further to amend the Indian Penal Code, 1860.

BE it enacted by Parliament in the Seventieth year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Penal Code (Amendment) Act, 2019.

Short title and
commencement.

(2) It shall come into force at once.

45 of 1860.

2. In the Indian Penal Code, 1860 for section 304A, the following section shall be substituted namely:—

Substitution of
new section for
section 304A.

“304A. Whoever causes the death of any person by doing any rash or negligent act not amounting to culpable homicide, shall be punished with imprisonment of either description for a term which may extend to seven years or with fine which shall not be less than seventy-five thousand rupees or with both:

Provided that if any person by doing any rash or negligent driving causes injury to another person and rushes that person so injured to a nearby hospital or assists the person in getting immediate medical attention but, the person so injured subsequently dies, the punishment shall be reduced and decided on case to case basis.”.

STATEMENT OF OBJECTS AND REASONS

In our country over a lakh people die every year as a result of road accidents. This problem has compounded in the metropolitan cities where violation of traffic rules are blatant. Rash driving is a regular nuisance and is responsible for fatal accidents which take place daily. It is sometimes seen that many people especially, young boys drive vehicles without caring for their own or anybody else's life. Not a single day passes when we do not hear of some accident on road. After accident of a vehicle, it is a routine feature where the driver of a vehicle speeds away in such a manner that nobody can even take note of the number of the vehicle, leaving the injured unattended or to die on the road. The Government is carrying out awareness campaigns that if the injured is shifted timely to a hospital and the driver or owner of the vehicle who shifted the injured to the hospital is given some relief, then the life of so many people could be saved.

There is a considerable anger in public about the rising number of casualties in road accidents. Presently such offences are tried as general crime under Indian Penal Code, 1860 and punishment provide for such act is not proportionate to the gravity of the offence committed. In the absence of any stringent legal framework, the persons responsible for rash and negligent driving are let off easily.

Therefore, it is proposed that section 304A of the Indian Penal Code, 1860 may be amended suitably so that drivers be given some relief in punishment for shifting the injured to the hospital besides preventing cases of rash and negligent driving.

Hence this Bill.

NEW DELHI;
June 4, 2019.

SHRIRANG APPA BARNE

BILL NO. 34 OF 2019

A Bill further to amend the Constitution (Scheduled Tribes) Order, 1950.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Scheduled Tribes) Order (Amendment) Act, 2019.

Short title
and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

C.O. 22.

2. In the Schedule to the Constitution (Scheduled Tribes) Order, 1950, in Part IX.—
Maharashtra, for entry 36, the following entry shall be substituted, namely:—

Amendment
of the
Schedule.

“36. Oraon, Dhangar.”.

STATEMENT OF OBJECTS AND REASONS

Article 366(25) of the Constitution defines “Scheduled Tribes” as “such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under article 342 to be Scheduled Tribes for the purposes of this Constitution”.

In pursuance of article 342 of the Constitution, the first list of the Scheduled Tribes in Maharashtra was notified through the Constitution (Scheduled Tribes) Order, 1950. It has further been modified through the Scheduled Castes and the Scheduled Tribes Orders (Amendment) Act, 1956, the Scheduled Castes and the Scheduled Tribes Lists (Modification) Order, 1956, the Scheduled Castes and the Scheduled Tribes Orders (Amendment) Act, 1976, the Constitution (Scheduled Tribes) Order (Second Amendment) Act, 1991 and the Scheduled Castes and the Scheduled Tribes Orders (Amendment) Act, 2002.

In the Scheduled Castes and the Scheduled Tribes Orders (Amendment) Act, 2002, in respect of the States of Odisha, Bihar and Jharkhand in their respective Scheduled Tribes list, Parliament have added 'Dhangar' as synonymous tribe of Oraon community.

At present, there are forty-seven tribes listed in the list of the Scheduled Tribes in respect of the State of Maharashtra. To fulfil the long standing demand for placing the correct synonymous caste of 'Dhangar' instead of 'Dhangad', it is proposed, on the recommendation of the State Government of Maharashtra, to amend the entry 36 of the Scheduled Tribes Order, 1950, occurring under Part IX, relating to the State of Maharashtra.

Hence this Bill.

NEW DELHI;
June 4, 2019.

SHRIRANG APPA BARNE

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to amend the Constitution (Scheduled Tribes) Order, 1950, by amending the list of Scheduled Tribes in respect of the State of Maharashtra.

The Bill, therefore, if enacted, would involve additional recurring and non-recurring expenditure from the Consolidated Fund of India on account of benefits likely to be provided to the welfare of the persons belonging to these tribes. It is estimated that a recurring expenditure of about rupees five hundred crore is likely to be involved per annum.

No non-recurring expenditure is likely to be involved.

BILL NO. 50 OF 2019

A Bill to amend the Clinical Establishments (Registration and Regulation) Act, 2010.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Clinical Establishments (Registration and Regulation) Amendment Act, 2019.

Short title and commencement.

(2) It shall come into force at once.

23 of 2010.

2. In the Clinical Establishments (Registration and Regulation) Act, 2010, (hereinafter called the principal Act), after sub-section (2) of section 12, the following sub-sections shall be inserted, namely:—

Amendment of section 12.

"(3) The clinical establishment shall undertake that any individual, who comes or is brought to them in emergency medical condition or otherwise shall not be subjected to

unnecessary diagnostic tests and shall only confine to the diagnostic tests as may be required for assessing the clinical condition of the individual.

(4) The clinical establishment shall ensure that the medical doctors or practitioners or professionals or specialists working under its control prescribe generic medicines to the extent of availability and do not compel the patients or their attendants to use branded medicines, leaving option for the patient and their attendants to choose the medicines of their choice and shall not advocate efficacy of the branded medicines over the generic medicines.

(5) The clinical establishment shall not charge more than the rates prescribed by Central Government under sub-section (3) of section 13 of this Act for various diagnostic tests or procedures or surgeries or treatments based on classification and standards of clinical establishments as prescribed by Central Government.

(6) The clinical establishment shall display a notice board at prominent place in its premises about the concessions, subsidies, incentives, land at concessional rate, medical equipment obtained by exemption of various taxes or any other benefit it obtained from the Central Government, or the State Government or the Union territory or any local body, as the case may be, for information to the public.

(7) The clinical establishments, which have availed concessions or benefits from the Central Government, or State Government or the Union territory or any local body, as the case may be subject to certain conditions shall display the conditions on a notice board at prominent place in their premises along with the status of compliance of those conditions, which shall be updated on a monthly basis.

(8) The clinical establishments which offer medical examination or treatment in intensive care units or emergency wards, shall design the intensive care units or emergency wards, in such a way that the outer wall of one of its side shall be fitted with transparent glass, closed with cloth curtains to enable the attendants of the patient to see the patients, as and when deemed necessary.

(9) The clinical establishments shall brief, atleast two times in a day, the attendants of the patients being treated in intensive care units or emergency wards about the condition of the patient and treatment being extended and shall also maintain a video record of each briefing and shall preserve it for a period of ninety days from the date of discharge of the patient from intensive care units or emergency wards or date of death of the patient during treatment in such clinical establishment, whichever is later."

Amendment
of section 13.

3. In the principal Act, after sub-section (2) of section 13, the following sub-sections shall be inserted, namely:—

"(3) The Central Government shall prescribe maximum rates for various diagnostic tests or procedures or surgeries or treatments extended by clinical establishments based on their classification and standards prescribed by it under sub-sections (1) and (2):

Provided that in prescribing the maximum rates for the diagnostic tests or procedures or surgeries or treatments offered by clinical establishments, the Central Government shall have regard to the local conditions."

Amendment
of section 52.

4. In the principal Act, after clause (k) of sub-section (2) of section 52, the following clause shall be inserted, namely:—

"(kk) the maximum rates for the diagnostic tests or procedures or surgeries or treatments offered by clinical establishments under sub-section (3) of section 13;"

5. In the principal Act, after sub-section (1) of section 56, the following sub-section shall be inserted, namely:—

Amendment
of section 56.

"(1A) The States, having enactments specified in the Schedule, may revisit their enactments in the public interest and revise their enactments to make them more comprehensive by including the provisions of the Clinical Establishments (Registration and Regulation) Act, 2010, as amended from time to time, to improve the public health within a period of six months from the date of enactment of this Act."

23 of 2010.

STATEMENT OF OBJECTS AND REASONS

The Clinical Establishments (Registration and Regulation) Act, 2010 was enacted to provide for the registration and regulation of the clinical establishments with a view to prescribe minimum standards of facilities and services which may be provided by them so that the mandate of article 47 of the Constitution for improvement in public health may be achieved.

The Act was enacted in the year 2010 and certain rules to operationalise the Act were also issued. However, there is wide-spread commotion and unrest in the public that certain clinical establishments are:—

- (i) subjecting the patients to unnecessary and unwanted diagnostic tests and threatening the patients of dire medical consequences if they do not undergo the tests prescribed to them;
- (ii) charging the patients with exorbitant prices for the diagnostic tests and treatments;
- (iii) prescribing expensive branded medicines ignoring availability of generic medicines;
- (iv) totally keeping the attendants in dark about the condition of the patient being treated and the treatment extended in the intensive care units and emergency wards; and
- (v) not complying with the conditions imposed by governments after getting concessions and relaxations from the Government.

In this context there is a definite need of evolving a proper procedure/mechanism to streamline these clinical establishments and forcing them to adopt a uniform procedure in charging for diagnostic tests, doctor fees, charges for medical facilities offered by them. There shall be proper check on these clinical establishments and inflated bills charged by them so that they cannot exploit the common people approaching them for treatment of various diseases apart from compelling them to use expensive branded medicines. There are instances wherein these clinical establishments are charging the CGHS/Health Card/ Insurance Patients to the extent of their maximum eligibility by compelling them to undergo various tests, treatments, which may not be necessary for their recovery.

Hence this Bill.

NEW DELHI;
June 4, 2019.

SHRIRANG APPABARNE

BILL NO. 39 OF 2019

A Bill to promote sports education and physical fitness for an all-round development of children in the country and to develop international standard sports infrastructure in the country, by making sports a compulsory regular subject in schools and providing equal opportunity and incentives to sportspersons across the country and for matters connected therewith or incidental thereto.

WHEREAS the Memorandum of Understanding between India and Netherlands signed in New Delhi on the Thirtieth day of January, 2014 recognises that India aims to create a lasting legacy with the development of sports infrastructure for promoting sports, education and allied areas along with India's ambition to host global sports events in the future:

AND WHEREAS the United Nations, in its resolution 58/6 adopted by the General Assembly and sponsored by India, on the third day of November, 2003, recognises sport as

means to build a peaceful and better world and increased implementation of projects for development through sport:

AND WHEREAS the United Nations in its resolution 58/5 adopted by the General Assembly on the third day of November, 2003 recognises sport as a means to promote education, health, development and peace:

AND WHEREAS it is considered necessary to give effect to the said resolution.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Compulsory Physical Fitness of Children through sports in Schools and Development of Sports Infrastructure Act, 2019.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may by notification in the Official Gazette, appoint, and different dates may be appointed for coming into force of different provisions of this Act, and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State, the Government of the State, and in all other cases, the Central Government;

(b) “coach” includes any trained person involved with development of skills of an athlete for the sport;

(c) “notification” means a notification published in the Official Gazette and the expression “notify” shall be construed accordingly;

(d) “physical fitness” means optimal state of physical, mental health and wellbeing to be able to cope with daily needs and the ability to perform one's daily tasks efficiently; and

(e) “sports” means the sports specified in the Schedule.

Sports and
Physical
Fitness as a
regular
Subject in
Schools.

3. (1) From such date, as the Central Government may, in consultation with the State Governments, by notification specify, training in Sports and Physical Fitness shall be imparted as a compulsory subject in all schools.

(2) The appropriate Government shall take such measures as may be necessary to develop infrastructure of international standard for over-all development of student.

(3) The appropriate Government shall provide equal opportunities in sports to all sportspersons, create awareness, reduce stress and develop skill in sports as a whole in the country to achieve excellence in sports at the international arena.

Mandatory
Capacity and
Awareness
building
programmes.

4. The appropriate Government shall ensure capacity and awareness building programmes in sports through physical education that may include orientation on national cadets, scouts and guides, sports training and competitive sports along with demonstrations or workshops to guide students and help in building awareness about sports.

Guidelines to
be followed
by Schools.

5. The appropriate Government shall issue guidelines to be followed by each school to, —

(a) treat sports as a regular subject as a part of the curriculum in school, with separate theory and practical training for the students' mental well-being and physical fitness;

(b) make evaluation of the subject through continuous grading and examinations so that the subject has equal weightage as other academic subjects;

(c) include the result of the subject as part of the regular mark-sheet obtained by the students in school;

(d) allocate a minimum number of hours in a months, for the training to be imparted compulsorily to students from sixth to twelfth standard; and

(e) allow students to choose from various sports with accredited coaches and coaching facilities:

Provided that schools may choose to offer separate sports facilities to students, depending on their infrastructure and accessibility to sports infrastructure.

6. The appropriate Government shall ensure that every school makes special provisions for physically challenged student to,—

Special Provisions for Physically Challenged Students.

(i) engage them into games and sporting activities which are not much physically intense activities such as Chess and Carrom.

(ii) arrange for special assistance programmes in each schools for those physically challenged students who fail in the module or course:

Provided that the special assistance programmes for physically challenged students shall be scheduled before or after regular school hours, to support the students to gain insights and strive to perform better by each student.

7. (1) The appropriate Government shall take measures to ensure that the necessary sports infrastructure is provided in every school.

Adequate access to sports, infrastructure.

(2) In case any school lacks sufficient sports infrastructure to facilitate sports training, the appropriate Government shall extend facilities to the students of such school by—

(i) providing free access to Sports infrastructure available in the divisional and district sports complex;

(ii) making necessary transport arrangements for students to visit and avail the sports facilities in the divisional or district sports complex.

(3) Every school shall maintain a record of students availing sports infrastructure and forward the details to the board for granting of aid, assistance or funds to the respective school.

(4) Every divisional or district sports complex where the students are availing the sports facilities shall maintain a record of all activities and forward the same to the appropriate Government for consideration of granting adequate funds for the upgradation of the divisional or districts sports infrastructure facilities.

8. The appropriate Government shall sportspersons regulate the selection of sportspersons for international and national events by selecting who qualify the standard selection criteria, as per norms and standard prescribed by Sports Authority of India.

Selection procedure for international and national sporting events.

9. The appropriate Government shall take necessary measures to spread awareness about sports education including the sports, regulations on anti-doping and other malpractices to promote sports as per international standard.

Promoting sports as a profession and creating awareness about anti-doping regulation.

10. (1) The appropriate Government, by notification, shall mandate that any new infrastructure to be built in the country to be in accordance with international norms and guidelines as set by the International Olympic Committee for the development of Sports infrastructure by,—

Development of sports infrastructure according to international parameters.

(a) building both soft and hard infrastructure by taking international standards as benchmarks for the purpose of easing the accessibility to infrastructure for sports and games by sportspersons;

(b) commissioning sports infrastructure in Divisional, State and National Level, in rural and urban parts of the country; and

(c) commissioning the construction of separate infrastructural facilities for both men and women in each sporting facility, like toilets and changing rooms etc.

(2) The appropriate Government shall ensure to provide at least minimum basic sports infrastructural facilities in every village and town to encourage sportsmanship at grass root level.

(3) The appropriate Government shall invest in the scaling up of the quality of infrastructure at major towns and regional centres.

Incentives to and promotion of sportspersons.

11. The appropriate Government shall frame guidelines to promote talent and give incentives to students and sportspersons who represent the country at the national and international level, by—

(a) rescheduling of examinations, compensation of attendance and granting credits or by providing equitable credit system where in extra credits and grades are required to ensure that the students and sportspersons do not lose out or refrain from taking up sports at an extra-meritorious level; and

(b) providing job opportunities, preference for Government loans, concession on travel fares and minimum financial benefits for students and sportsperson.

Public sector undertakings to promote and support Sportspersons.

12. (1) The appropriate Government, shall ensure that Government owned or Public Sector Undertaking Companies take responsibility for supporting talent and promising sportspersons by providing a quota for employment and funding expenses for meeting sports expenditure in the requirement of equipments and medical aid for sportspersons;

(2) Every Government Company and Public Sector Undertaking shall providing sports facilities to its and open its sports facilities to general public and students.

Penalty.

13. The appropriate Government shall curtail grants and aids to a school if that school fails to comply with any of the provisions of this Act.

Central Government to provide Funds.

14. The Central Government, shall from time to time provide, after due appropriation made by the Parliament by law in this behalf, requisite funds for carrying out the purposes of this Act.

Power to remove difficulty.

15. If any difficulty arises in giving effect to the provisions of this Act, the Central Government, in consultation with State Governments, may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of any difficulty:

Provided that no such order shall be made after the expiry of two years from the date of commencement of this Act.

Power to make rules.

16. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, Parliament agrees in making any modification in the rule or Parliament agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modifications or annulment shall be without prejudice to the validity of anything previously done under that rule.

THE SCHEDULE

[See Section 2C]

Sl. No.	Name of Sport
1.	Aero Sports
2.	Archery
3.	Athletics
4.	Atya Patya
5.	Aquatics
6.	Badminton
7.	Ball Badminton
8.	Baseball
9.	Basketball
10.	Billiards and Snooker
11.	Bridge
12.	Body Building
13.	Boxing
14.	Carrom
15.	Chess
16.	Cricket
17.	Cycling
18.	Cycle Polo
19.	Equestrian
20.	Fencing
21.	Football
22.	Golf
23.	Gymnastics
24.	Handball
25.	Hockey
26.	Ice Hockey
27.	Judo
28.	Kabaddi
29.	Kayaking and Canoeing
30.	Karate Do
31.	Kho-Kho
32.	Korfball
33.	Mallakhamb
34.	Mind Sports
35.	Motor Sports
36.	Netball
37.	Paralympic Sports
38.	Polo

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39. Power-lifting
 40. Rowing
 41. Roller Skating
 42. Rugby
 43. Sepak Takraw
 44. Shooting
 45. Shooting Ball
 46. Soft Ball
 47. Soft Tennis Ball
 48. Special Olympic Sports
 49. Sports for deaf person
 50. Squash Rackets
 51. Table Tennis
 52. Taekwondo
 53. Tennis
 54. Tenni-koit
 55. Tennis Ball Cricket
 56. Ten Pin Bowling
 57. Triathlon
 58. Throw Ball
 59. Tug of War
 60. Volleyball
 61. Weightlifting
 62. Winter Games (Skiing and Snowboarding)
 63. Wrestling (Free Style and Greco Roman)
 64. Wrestling (Indian Style)
 65. Wushu
 66. Yachting

STATEMENT OF OBJECTS AND REASONS

India is home to a billion plus population. However, our dismal performance at International sports like the Olympics, Asian Games and the Common Wealth Games, make it evident that there is an absence of thrust in sports in the country. Clearly, our culture and attitude towards sports is a major deterrent towards improving sporting standards in our country. Promoting sportspersons while providing equal opportunity, incentives and access to sporting facilities is essential, however, changing the attitude of people and bringing seriousness about sports education and training in physical fitness is of utmost importance. Moreover, sporting activities are means of a holistic development for all, a potential tool for the physical and mental well-being of people by inculcating values of leadership, teamwork, endurance, and focus along with bringing exposure, helping in skill development and increasing immunity towards various illnesses that in turn would increase the productivity of people and hence boost economic development throughout the country.

The United Nations recognises sport as a low-cost and high-impact tool in humanitarian development and peace-building efforts, the standard of which is increasingly being recognised. In India the prevalent scenario does not provide for students and sportspersons to excel in the arena of sports, leave alone emphasizing the importance of sports in physical fitness. Many schools across the country barely recognise the necessity of including sports in their schedule. The education system need to be revamped to give sports an equal importance in the holistic upbringing of future flag-bearers of the country.

The lack of infrastructural facilities and training of international standards are major impediments in the process of development of sports in India. Moreover, considering sports as a serious career option comes at the cost of education and job opportunities, falling attendance, grades and the struggle to earn a livelihood. Added to that is the cost and struggle to avail sporting facilities in various parts of the country.

This shouldn't be used in excuse and deter the Government to wash their hands off the responsibility of providing for sporting facility, from the grassroots level, in villages and small towns to upgrade the quality of infrastructure at major towns and regional centres.

This Bill intends to give sports education and physical fitness a status at par with other academic subjects taught at schools and hence makes sports education a compulsory module in all schools across the country, the evaluation of which would be through continuous grading and examinations as is the case with other subjects. Moreover, the Bill lays guidelines for schools to arrange for special assistance programs for those who fair poorly in the evaluation of the sports module to monitor their progress and physical fitness. The Bill seeks to make guidelines for the building of such infrastructure to meet the benchmark of international parameters. This is a step towards promoting a culture of sports and making the facility easily accessible to all sportspersons.

Also, the Bill seek to give incentives to those who excel in any field of sport by providing concessions and financial benefits, along with mandating all Public Sector Undertakings and Enterprises to provide compulsory quota for employment of sportspersons and make available their sporting infrastructure to all willing sportspersons in the country, as part of their social responsibility. Creating awareness

about sports and physical fitness is imperative to empower sportspersons and students alike for their overall development, in order to harness the talent and potential of the youth and bring international acclaim to India.

Hence this Bill.

NEW DELHI;
June 4, 2018.

SHRIRANG APPA BARNE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides sports and physical fitness education as a compulsory and regular subject in schools. Clause 4 mandates capacity and awareness building programmes. Clause 6 allows for special provisions for physically challenged students to participate in sports. Clause 7 provides that appropriate Government shall ensure availability of necessary sports infrastructure in every schools. Clause 10 lays down guidelines to be adhered to while commissioning sports infrastructure in the country to meet international standard. Clause 14 makes it obligatory for the Central Government to provide requisite funds for carrying out the purposes of this Bill. The Bill does involve expenditure towards building of infrastructure of international standards whenever it commissions the building of any such infrastructure after the enactment of the Act for Union Territory. The Bill will also involve expenditure towards infrastructural facilities and awareness programmes. The Bill, therefore, if enacted, will involve expenditure from Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees one thousand crore per annum would involve from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 16 of the Bill empowers the Central Government, in consultation with the State Governments, to make necessary rules for carrying out the purposes of the Bill. As the rules will relate to matter of detail only, the delegation of legislative power is, therefore, of a normal character.

BILL NO. 47 OF 2019

A Bill to provide for the constitution of a Board for the protection and control of stray cows in the country and for matters connected therewith.

BE it enacted by the Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) The Act may be called the Stray Cows (Protection and Control) Board Act, 2019.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government, may by notification in the Official Gazette, appoint.

Short title,
extent and
commence-
ment.

Definitions.

2. In this Act, unless the context otherwise requires:—

(a) "Anna Board" means Stray Cows Board constituted under section 3;

(b) "stray cow" means cow left unattended by the *gau palak* or farmers in public places for fodder and water and includes its progeny, bulls and bullocks;

(c) "*gau palak*" means persons rearing cows; and

(d) "prescribed" means prescribed by rules made under this Act.

Constitution of the Anna Board.

3. (1) The Central Government shall, by notification in the Official Gazette, constitute a Stray Cow Board to be known as the Anna Board for the protection and control of stray cows in the country.

(2) The Anna Board shall consist of a Chairperson and ten other members, including one member each from the States of Uttar Pradesh and Madhya Pradesh having special experience for conducting various schemes of cattle rearing, and five *gau palaks* engaged in farming and rearing cows for the last five years.

(3) The headquarters of the Anna Board shall be at Mahoba in the State of Uttar Pradesh.

(4) The Anna Board shall hold quarterly review meeting in such manner as may be prescribed.

(5) The salary and allowances payable to, and other terms and conditions of service of Chairperson and members of the Anna Board shall be such as may be prescribed.

Functions of the Anna Board.

4. The Anna Board shall,—

(a) conduct a survey once in every year for five years to assess the number of stray cows in the country;

(b) establish a cow promotion centre (cow hostel) in every village for protection of stray cows with the facility of proper cleaning, fodder, water, breed improvement;

(c) make arrangements for the collection of cow urine, panchgavya products and installation of gobar gas plants;

(d) establish breed improvement centre for Tharparkar, Gir, Sahiwal and Gangatiri breed of cows;

(e) encourage fodder for urea exchange system among the farmers; and

(f) establish cow sanctuaries through water conservation, plantation and pasture on the basis of public partnership by the Forest Department of the State Government concerned on the open and vacant land.

Central Government to provide market for foodgrains.

5. The Central Government shall provide market for the sale of foodgrains produced with less quantity of water from natural agricultural system which is free from poisonous chemicals with the use of the cow urine and cow dung based manure system.

Financial Assistance to cow rearers.

6. (1) The Central Government shall provide the following financial assistance to every *gau palak*—

(a) rupees one thousand per month per cow for rearing cows for a period of one year;

(b) for the establishment of flour mill, oil ghani, fodder cutting machine and pump technique for extracting water based on bullock energy; and

(c) rupees twelve hundred per month as incentives to the farmers making use of oxes and bullock cart.

7. The Central Government shall award rupees five lakh as an incentive to the Gram Panchayat which has made full control on stray cows under its jurisdiction.

Incentive to Gram Panchayat having control over stray cows.

8. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds to the State Governments for carrying out the purposes of this Act.

Central Government to provide requisite funds.

9. The Central Government may give such directions to the State Governments as may appear it to be necessary for carrying out the purposes of this Act.

Central Government to give directions to the State Governments.

10. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The very basis of the economy of the country is agriculture and the only source of income of farmers in case of its becoming unprofitable is animal husbandry. But due to drought prevalent for the last several decades in the economically backward areas of the country, particularly in Bundelkhand, it has been very difficult to provide water and fodder for animals. As a result, farmers abandon herds of their cows, far from their home, to survive on their own in the process of unburdening themselves. This is also known as the 'Anna Pratha' in the Bundelkhand region. This is a pan-India problem. Stray animals do considerable harm to standing crops which brings loss to farmers and the social harmony is adversely affected too. The traditions like 'Anna Pratha' also encourages smuggling of stray animals. Due to unavailability of fodder and water, some of these stray animals also die untimely. Along with this, stray cows take to the roads or highways causing heavy traffic snarls or leads to accidents. With the control over stray cows, not only the income of farmers will increase but will also curb their migration. It will further control smuggling, reduce harm to cows and the number of accidents occurring on roads, and will also result in social harmony in society.

The Bill seeks to overcome the problem of traditions like 'Anna Pratha' to check smuggling of cows and problem of stray animals in particular the drought affected region and overall welfare of cow and its progeny and to reduce the burden of farmers.

Hence this Bill.

NEW DELHI;
June 4, 2019.

KUNWAR PUSHPENDRASINGH CHANDEL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of the Anna Board for the protection and control of stray cows in the country. It also provides for appointment of Chairperson and ten other members to the Board. Clause 4 provides for establishment of cow promotion centre, etc. Clause 5 provides that the Central Government shall provide a market for the sale of foodgrains produced with the use of cow urine and cow dung. Clause 6 provides for financial assistance to the *gau palaks*. Clause 7 provides for incentive of rupees five lakh to a Gram Panchayat having control over stray cows in its jurisdiction. Clause 8 provides that the Central Government shall provide funds to the State Governments for the purposes of the Bill. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure to the tune of rupees twenty thousand crore will be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 36 OF 2019

A Bill to constitute a Board for promotion and protection of intangible cultural heritage of the country.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Promotion and Protection of Intangible Cultural Heritage Act, 2019.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires, —

(a) "Board" means Alha Board for the promotion and protection of intangible cultural heritage constituted under section 3;

(b) "intangible cultural heritage" means local based traditions, customs, representations and expressions including knowledge, skills and cultural heritage of community groups or individuals; and

(c) "prescribed" means prescribed by rules made under this Act.

Constitution of the Alha Board.

3. (1) The Central Government shall, by notification in the Official Gazette, constitute a Board to be known as the Alha Board for the promotion and protection of intangible cultural heritage of the country.

(2) The headquarter of the Board shall be at Mahoba district in the State of Uttar Pradesh.

(3) The Board shall consist of twenty-five members to be appointed by the Central Government in such manner as may be prescribed:

Provided that at least one member of the Board shall be each from the State of Uttar Pradesh and Madhya Pradesh having experience in conservation of cultural heritage to be nominated by the State Government concerned:

Provided further that at least two members of the Board shall be representatives of the cultural organizations.

(4) The Chairperson of the Board shall be appointed from amongst the members of Board through consensus.

(5) The Board shall hold at least one meeting every three months.

(6) The salaries and allowances payable to, and the other terms and conditions of service of the Chairperson and the members of the Board shall be such as may be prescribed.

(7) The Board may, with the approval of the Central Government, make regulations for regulating its own procedure.

Function of Board.

4. The Board shall,—

(i) conduct an annual survey to prepare a representative list of intangible cultural heritages in the country;

(ii) prepare written documents on local traditions and provide protection through the most suitable techniques;

(iii) recognize, conserve and promote the enriched, diverse and huge intangible cultural heritage of the country;

(iv) constitute a Coordination Committee consisting of a Chairperson and at least five other members, representing various cultural traditions to create awareness towards and integration of intangible cultural heritage of the country; and

(v) formulate such rules for protection and promotion of diversities of cultural expressions, progress of inter-cultural communications and enrichment of inter-cultural activities to underline the importance of the link between culture and development.

Central Government to provide funds.

5. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide such funds to the Board as it may deem fit for effective implementation of the provisions of this Act.

Power to give directions.

6. The Central Government shall, under any provision or rule made under this Act, direct the Government of any State, as it deems necessary, for the purpose of its implementation in the territorial jurisdiction of the State concerned.

7. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to
make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Intangible cultural heritages have been existing in India since ancient times and they are a part of our mixed culture. Our nation has vibrant variations and ways of such heritage. There is a co-existence of various heritages after many adjustments due to various upheavals in the country. Recently, a committee on protection of intangible cultural heritage under UNESCO has mentioned Kumbh Mela in the representative list of intangible cultural heritage during their twelfth session organized in Jeju island in south-eastern of South Korea. It is a symbol of Indian culture which has found a place in this list of UNESCO. Before this, in the year 2016, 'Yoga' and Parsi festival 'Navroj', 'tradition of Vedic recitation of mantras', Kutiyattam, Ramlila, Ramman, Kalbelia, Mundiyeu, Chhau dance, Buddhist recitation of religious hymns of Ladakh, community prayers (Sankirtan) and Jandiyala were included in this list. Likewise, there are many intangible cultural heritages in the country such as "Nanda Jaat Yatra" in Uttarakhand, "Kanwal Yatra" in Northern India and "Alha" folk poem in Bundelkhand which are still existing through oral traditions for one thousand years and there is a need to protect, recognize and develop them.

"Alha" is sung in Hindi language in various parts of the country especially in Bundelkhand. It is related to their history and belief. It is mainly a poem in Bundeli and Avadhi language. Basic verse of Alha is in 'Kaharwa Taal' which has initially a restrained rhythm and it gradually increases. The vigorous feeling generated in the singer and listeners is remarkable. The teacher-disciple tradition is followed in Alha and it is passed on from one generation to another. Persons from all the communities take part in the singing of Alha and no discrimination is made thereto.

It is in accordance with existing International Human Rights because all people take part in this equally, devoid of any discrimination. Although, various wars are mentioned in different folk songs of 'Alha' yet it gives a message of patriotism, sacrifice and peace. 'Alha' singing reflects that patriotism, sacrifice, tolerance and amicability which are significant for the contemporary world.

Intangible cultural heritages are spread across the country which give the message of humanity. Special policy efforts are required to protect them so that social harmony, fraternity and peace can be promoted. It shall be a key to accelerate the process of making India a developed nation and through healthy and fruitful use of these heritages, Indian society shall put India on a world stage.

Hence this Bill.

NEW DELHI;
June 4, 2019.

KUNWAR PUSHPENDRA SINGH CHANDEL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of a Board for promotion and protection of intangible cultural heritage in the country. It also provides for a secretariat for the purpose of assisting the Board and the salary and allowances of the Chairpersons, members and employees of the Secretariat. Clause 4 provides for conducting a survey every year, preparing written documents on local traditions, protection of oral traditions and publicize, conserve and promote intangible cultural heritage. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of rupees two thousand crore per annum.

A non-recurring expenditure of rupees five hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3(7) of the Bill empowers the Board to make regulation for regulating its own procedure. Clause 7 empowers the Central Government to make rules for carrying out the purposes of the Bill. As matters in respect of which rules and regulations may be made are matters of administrative details and procedure, the delegation of legislative power is of a normal character.

BILL NO. 51 OF 2019

A Bill to provide for the constitution and regulation of a new army regiment to be known as the Bundelkhand Regiment for safeguarding the borders of the country and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventieth year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Bundelkhand Regiment Act, 2019.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the Context otherwise requires,—

Definitions.

(a) "battalion" means the unit of the Regiment constituted as a battalion by the Central Government;

(b) "Commandant" when used in any provision of this Act, with respect to any unit of the Regiment means the officer whose duty is under the rules of discharge with respect to that unit, the functions of a Commandant in regard to the matters of the description referred to in that provision;

(c) "Criminal Court" means a court of ordinary criminal justice in any part of India;

(d) "Deputy-Inspector General" means a Deputy Inspector General of the Regiment appointed under section 4;

(e) "Director General" means the Director-General of the Regiment appointed under section 4;

(f) "Government" means the Central Government;

(g) "Inspector-General" means the Inspector-General of the Regiment appointed under section 4;

(h) "notification" means notification published in the Official Gazette;

(i) "offence" means any act or omission punishable under this Act and includes a civil offence;

(j) "officer" means a person appointed or in pay as an officer of the Regiment but does not include a sub-ordinate officer or an under officer;

(k) "prescribed" means prescribed by rules made under this Act;

(l) "regiment" means Bundelkhand Regiment constituted under section 3;

(m) "regiment custody" means the arrest or confinement of a member of the Regiment according to rules;

(n) "rule" means a rule made under this Act;

(o) "superior officer" when used in relation to a person subject to this Act, means,—

(i) any member of the Regiment to whose command such person is for the time being, subject in accordance with the rules; and

(ii) any officer of higher rank or class or of a higher grade in the same class; and

includes when such person is not an officer, a subordinate officer or an under officer of higher rank, class or grade;

(p) "subordinate officer" means a person appointed or in pay as Subedar-Major, as a Sub-Inspector of the Regiment; and

(q) "under-officer" means a Head Constable, Naik and Lance Naik of the Regiment.

3. (1) There shall be an armed Regiment of the Union called the Bundelkhand Regiment to ensure the security of the country.

Constitution of the Bundelkhand Regiment.

(2) Subject to the provisions of this Act, the Regiment shall be constituted in such manner as may be prescribed and the conditions of service of the members of the Regiment shall be such as may be prescribed.

4. (1) The general superintendence, direction and control of the Regiment shall vest in and be exercised by the Central Government and subject thereto and to the provisions of this Act and rules made thereunder the command and superintendence of the Regiment shall

Direction and control of the Regiment.

vest in an officer to be appointed by the Central Government as the Director-General of the Regiment.

(2) The Director-General shall, in the discharge of his duties under this Act, be assisted by such member of the rank of Inspector General, Deputy Inspector General, Commandants and other officers as may be prescribed.

Enrolment.

5. (1) The person to be enrolled to the Regiment, the mode of enrolment and the procedure for enrolment shall be such as may be prescribed.

(2) Notwithstanding anything contained in this Act and the rules made thereunder, every person who has, for a continuous period of three months been in receipt of pay as a person enrolled under this Act and borne on the rolls of the Regiment shall be deemed to have been duly enrolled.

Liability for service outside India.

6. Every member of the Regiment shall be liable to serve in any part of India as well as outside India as and when required by the Government during his term of engagement.

Resignation and withdrawal from the post.

7. No member of the Regiment shall be at liberty,—

(a) to resign his appointment during the term of his engagement; or

(b) to withdraw himself from all or any of the duties of his appointment,

except with the prior permission in writing of the prescribed authority.

Tenure of service.

8. Every person subject to this Act shall hold office during the pleasure of the President.

Termination of service by Central Government.

9. Subject to the provisions of this Act and rules, the Central Government may dismiss or remove any person from service.

Certificate of termination of service.

10. A subordinate officer, or an under-officer or other enrolled person who is retired, discharged, released, removed or dismissed from service shall be presented by the officer, to whose command he is subject, with a certificate in the language which is the mother tongue of such person and also in Hindi or English language setting forth—

(a) the authority terminating his service;

(b) the cause for such termination; and

(c) the full period of his service in the Regiment.

Dismissal, removal or reduction by the Director General and by other officer.

11. (1) The Director General or any Inspector General may dismiss or remove from the service or reduce to a lower grade or rank or ranks any person subject to this Act other than an officer.

(2) An officer not below the rank of Deputy Inspector General or any prescribed officer may dismiss or remove from the service any person under his command other than an officer or subordinate officer of such rank or ranks as may be prescribed.

(3) Any officer not below the rank of Deputy Inspector General or any prescribed officer may reduce to a lower grade or rank or ranks any person under his command except an officer or a subordinate officer.

(4) The exercise of any Power under this section shall be subject to the provisions of this Act and the rules.

Mutiny.

12. Any person subject to this Act who commits any of the following offences, that is to say:—

(a) begins, incites, causes or conspires with any other person to cause any mutiny in the Regiment or in the Army, Naval or Air Forces of India or any forces co-operating therewith; or

(b) joins in any such mutiny; or

(c) being present at any such mutiny, does not use his utmost endeavour to suppress the same; or

(d) knowing or having reason to believe in the existence of any such mutiny or of any intention to mutiny or of any such conspiracy, does not without delay, give information thereof to his commandant or other superior officer; or

(e) endeavours to seduce any person in the Regiment or in the Army, Naval or Air Forces of India or any forces co-operating therewith from his duty or allegiance to the Union,

shall, on conviction by a Security Regiment Court, be liable to suffer death or such less punishment as is mentioned in this Act.

13. Any person subject to this Act who commits any of the following offences, that is to say—

Absence
without leave.

(a) absents himself without leave; or

(b) without sufficient cause overstays leave granted to him; or

(c) without sufficient cause fails to appear at the time appointed at the parade or place fixed for exercise or duty; or

(d) when on parade, or on the line of march without sufficient cause or without leave from his senior officer, quits the parade or line of march; or

(e) without leave from his senior officer or without due cause, absents himself from any school when duly ordered to attend there,

shall, on conviction by a Security Regiment Court, be liable to suffer imprisonment for a term which may extend upto five years.

14. Any officer, subordinate officer or under officer applies criminal force on a person that holds such a post as is under this Act or misbehaves with him, shall on conviction by a Security Regiment Court, be liable to suffer imprisonment for a term which may extend upto ten years.

Misbehaviour
with a senior
officer.

15. Any person subject to this Act who commits any of the following offences that is to say:—

Extortion and
corruption.

(a) commits extortion; or

(b) without proper authority exacts from any person money, provisions or service,

shall, on conviction by a Security Regiment Court, be liable to suffer imprisonment for a term which may extend upto ten years.

16. Any person subject to this Act who commits any of the following offences, that is to say—

False
accusations.

(a) make a false accusation against any person subject to this Act, knowing or having reason to believe such accusation to be false; or

(b) in lodging a complaint against any person subject to this Act makes any statement affecting the character of such person, knowing or having reason to believe such statement to be false, or knowingly and willfully suppresses any material facts,

shall, on conviction by a Security Regiment Court, be liable to suffer imprisonment for a term which may extend upto three years or such less punishment as is in this Act mentioned.

17. Any person subject to this Act who disobeys in such manner as to show a willful defiance of authority any lawful command given personally by his senior officer in the

Disobedience
to Senior
Officer.

execution of his office whether the same is given orally or in writing or by signal or shall on conviction by a Security Regiment Court, be liable to suffer imprisonment for a term which may extend upto twenty years or such less punishment as is provided in this Act.

Offence
relating to
Security
Regiment
Court.

18. Any person subject to this Act who commits any of the following offences, that is to say—

(a) being duly summoned or ordered to attend as a witness before a Security Regiment Court, willfully or without reasonable excuse makes default in attendance; or

(b) refuses to take an oath or make an affirmation legally required by a Security Regiment Court to be taken or made; or

(c) refuses to provide or deliver any document in his power or control legally required by a Security Regiment Court to be produced or delivered by him; or

(d) refuses when a witness to answer any question which is by law bound to answer; or

(e) is guilty of contempt of the Security Regiment Court by using insulting or threatening language or by causing any interruption of disturbance in the proceedings of such court,

shall on conviction by a Security Regiment Court, be liable to suffer imprisonment for a term which may extend to three years or such less punishment as mentioned in this Act.

Punishment
awardable by
Security
Regiment
Courts.

19. (1) Punishment may be inflicted in respect of offences committed by persons subject to this Act and convicted by Security Regiment Courts according to the scale following, that is to say—

(a) death; or

(b) imprisonment which may be for the term of life of any other lesser term but excluding imprisonment for a term not exceeding three months in Regiment Custody; or

(c) dismissal from service; or

(d) imprisonment for a term not exceeding three months in Regiment custody; or

(e) reduction to the ranks or to a lower rank or grade or place in this list of their rank in the case of under officer; or

(f) forfeiture of seniority of rank and forfeiture of all or any part of the service for the purpose of promotion; or

(g) forfeiture of service for the purpose of increased pay, pension or any other prescribed purpose; or

(h) fine in respect of civil offences; or

(i) severe reprimand or reprimand except in the case of persons below the rank of an under officer; or

(j) forfeiture of pay and allowances for a period not exceeding three months for an offence committed in active duty; or

(k) forfeiture in case of person sentenced to dismissal from service of all the arrears of pay and allowances and other public money due to him at the time to such dismissal; and

(l) stoppage of pay and allowances until any proved loss or damage occasioned by the offence for which he is convicted is made good.

(2) Each of the punishment specified in sub-section (1) shall be deemed to be inferior in degree to every punishment preceding it in the above scale.

20. A commandant or such officer as is with the consent of the Central Government, specified by the Director-General may, in the prescribed manner, proceed against a person subject to this Act, otherwise that as an officer or a subordinate officer who is charged with an offence under this Act and award such person to the extent prescribed, one or more of the following punishment, that is to say—

Minor
Punishment.

- (a) imprisonment in Regiment custody upto twenty-eight days; or
- (b) detention upto twenty-eight days; or
- (c) confinement to the lines upto twenty-eight days; or
- (d) extra guards or duties; or
- (e) deprivation of any special position or special employments or any acting rank or reduction to a lower grade of pay; or
- (f) forfeiture of good service and good conduct pay; or
- (g) severe reprimand or reprimand; or
- (h) fine upto fourteen days pay in any one month; and
- (i) deduction from his pay of any sum required to make good such compensation for any expense, loss, damage, or destruction caused by him to the Central Government or to any building or property as may be awarded by his commandant.

21. (1) An officer who is not below the rank of Deputy Inspector General or any other officer specified by the Director General with the consent of the Central Government shall initiate proceedings against any subordinate officer or one of the rank of subordinate officer who is the accused of any crime under this Act, in the prescribed manner and shall award one or more punishment of the following punishments, that is to say—

Punishment to
persons of and
below the rank
subordinate
officer by
Deputy
Inspector
General and
others.

- (a) forfeiture of seniority or in the case of any of them whose promotion depends upon the length of service forfeiture of service for the purpose of promotion for a period not exceeding twelve months, but subject to the right of the accused person to the award to select to be trial by a Security Regiment Court;
- (b) severe reprimand or reprimand;
- (c) stoppage of pay and allowances until any proved loss or damage occasioned by the offence of which he is convicted is made good.

(2) In every case in which punishment has been awarded under sub-section (1) certified four copies of the proceedings shall be forwarded in the prescribed manner by the officer awarding the punishment to the prescribed senior authority who may, if the punishment awarded appears to him to be illegal, unjust or excessive, cancel, vary or remit the punishment and make such other direction as may be appropriate in the circumstances of the case.

22. (1) Whenever any weapon or part of a weapon, or ammunition, forming part of the equipment of a unit of the Regiment, is lost or stolen, an officer not lower than the rank of the commandant of a battalion may after making such enquiry as he thinks fit and subject to the rules impose a collective fine upon the subordinate officers, under-officers and area of such unit or upon so many of them, as in his judgment should be held responsible for such loss or theft.

Collective
fines.

(2) Such fine shall be assessed as a percentage on the pay of the individuals on whom it falls.

23. The Central Government shall after due appropriation made by Parliament by law in this behalf, provide requisite funds, from time to time, for carrying out the purposes of this Act.

Central
Government to
provide funds.

Power to give
direction.

24. The Central Government may give such directions to the Government of the State concerned within the territorial jurisdiction of a State for carrying out in the State any provision of this Act or any rule made thereunder.

Power to make
rules.

25. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

In the pre-independence era various Regiments had been constituted seeking their base in historic as well as symbolic reasons. But in the post-independence era so many Regiments had been constituted, according respect and esteem to the military values of various cultures. The constitution of Ladakh Scouts, Naga Regiment, Arunachal Scouts and the Sikkim Scouts are cases in point that were formed in the years 1963, 1970, 2010 and 2013 respectively.

Bundelkhand region has been recognized for expertise in the warfare and also in historic heroic narratives. In symbolic form, folk song style “*Alha Gayan*” which is an integral part of public culture prevailing across Bundelkhand region. People of Bundelkhand have always contributed greatly to the defence establishments. There is a need for constitution of a Bundelkhand Regiment as a gesture of evincing respect and recognition to the glorious and illustrious military history and the military values of Bundelkhand culture.

Hence this Bill.

NEW DELHI;
June 4, 2019.

KUNWAR PUSHPENDRA SINGH CHANDEL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of a Bundelkhand Regiment. Clause 4 provides for appointment of certain officers of the Regiment. Clause 23 provides requisites funds for functioning of the Regiment. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one thousand crore would be involved as recurring expenditure per annum.

A non-recurring expenditure of rupees five hundred crore is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 25 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is, therefore, of a normal character.

BILL NO. 37 OF 2019

A Bill to establish and incorporate a Central Sanskrit University at Mahoba in the State of Uttar Pradesh to promote Sanskrit language, literature, research in old Sanskrit manuscripts and its use in different subjects like computer, science, mathematics and social sciences with inter-disciplinary approach and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Central Sanskrit University Act, 2019.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, and in all Statutes made hereunder, unless the context otherwise requires,— Definitions.

(a) "Academic Council" means the Academic Council of the University;

(b) "Academic staff" means such categories of staff as are designated as academic staff by the Ordinances;

(c), "Board of Studies" means the Board of Studies of a Department of the University;

(d) "Chancellor", "Vice-Chancellor", and "Pro-Vice-Chancellor" mean, respectively, the Chancellor, Vice-Chancellor and Pro-Vice-Chancellor of the University;

(e) "College" means a college maintained by the University;

(f) "Court" means the Court of the University;

(g) "Department" means a Department of Studies and includes a Centre of Studies;

(h) "distance education system" means the system of imparting education through any means of communication, such as broadcasting, telecasting, webcasting, correspondence courses, seminars, contact programmes or the combination of any two or more such means;

(i) "employee" means any person appointed by the University and includes teachers and other staff of the University;

(j) "Executive Council" means the Executive Council of the University;

(k) "Faculty" means a Faculty of the University;

(l) "Finance Committee" means Finance Committee of the University;

(m) "Institution" means an academic institution, not being a college, maintained by, or admitted to the privileges of, the University;

(n) "Regulations" means the Regulations made by any authority of the University under this Act for the time being in force;

(o) "Statutes" and "Ordinances" mean, respectively, the Statutes and the Ordinances of the University, for the time being in force;

(p) "teachers of the University" mean Professors, Associate Professors, Assistant Professors and such other persons as may be appointed for imparting instruction or conducting research in the University; and

(q) "University" means the Central Sanskrit University as incorporated under this Act.

3. (1) There shall be established, in the State of Uttar Pradesh a Central Sanskrit Establishment of University.

(2) The headquarter of the University shall be at Mahoba in the State of Uttar Pradesh.

(3) The first Chancellor, the first Vice-Chancellor and the first members of the Court, the Executive Council and the Academic Council, and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of the University.

(4) The University shall have perpetual succession and a common seal, and shall sue and be sued by the said name.

Objects of
University.

4. The objects of the University shall be to promote Sanskrit language, literature, research in old Sanskrit manuscripts and its use in different subjects like computer, science, mathematics and social sciences with inter-disciplinary approach.

Powers of
University.

5. (1) The University shall have the following powers, namely:—

(i) to provide for instructions in Sanskrit language and literature as the University may, from time to time, determine and to make provisions for research and for the advancement and dissemination of knowledge for furtherance of the objects of the University;

(ii) to grant, subject to such conditions as the University may determine, diplomas or certificates to, and confer degrees or other academic distinctions on the basis of examinations, evaluation or any other method of testing, on persons, and to withdraw any such diplomas, certificates, degrees or other academic distinctions for good and sufficient cause in the manner prescribed by the Statutes;

(iii) to organise conferences, seminars on Sanskrit language and literature;

(iv) to organise and to undertake extra-mural studies, training and extension services;

(v) to confer honorary degrees or other distinctions in the manner prescribed by the Statutes;

(vi) to provide facilities through the distance education system as it may determine;

(vii) to institute Principalships, Professorships, Associate Professorships, Assistant Professorships and other teaching or academic positions, required by the University and to appoint persons to such Principalships, Professorships, Associate Professorships, Assistant Professorships or other teaching or academic positions;

(viii) to recognise an institution of higher learning for such purposes as the University may determine and to withdraw such recognition in the manner prescribed by the Statutes;

(ix) to appoint persons working in any other University or educational institution, including those located outside the country, as teachers of the University for a specified period;

(x) to create administrative, Ministerial and other posts and to make appointments thereto;

(xi) to co-operate or collaborate or associate with any other University or authority or institution of higher learning, including those located outside the country, in such manner and for such purposes as the University may determine;

(xii) to collaborate with any other college or university, research institution, industry association, professional or any other organisation, in India or outside India to conceptualise, design and develop specific programmes as part of education and research, training programmes and exchange programmes for students, academic staff and others;

(xiii) to institute and award fellowships, scholarships, studentships, medals and prizes;

(xiv) to establish and maintain Colleges and Institutions;

(xv) to make provision for research and advisory services and for that purpose to enter into such arrangements with other institutions, industrial or other organisations, as the University may deem necessary;

(xvi) to organise and conduct refresher courses, workshops, seminars and other programmes for teachers, evaluators and other academic staff;

(xvii) to appoint on contract or otherwise visiting Professors, Emeritus Professors, Consultants, Scholars and such other persons who may contribute to the advancement of the objects of the University;

(xviii) to confer autonomous status on a College or an Institution or a Department, as the case may be, in accordance with the Statutes;

(xix) to determine standards of admission to the University, which may include examination, evaluation or any other method of testing;

(xx) to demand and receive payment of fees and other charges;

(xxi) to establish and maintain a healthcare centre for the benefit of the students and employees;

(xxii) to make arrangements for promoting the health and general welfare of the employees;

(xxiii) to supervise the residences of the students of the University and to make arrangements for promoting their health and general welfare;

(xxiv) to lay down conditions of service of all categories of employees, including their Code of conduct;

(xxv) to regulate and enforce discipline among the students and the employees, and to take such disciplinary measures in this regard as may be deemed by the University to be necessary;

(xxvi) to receive benefactions, donations and gifts and to acquire, hold and manage, and to dispose of, without the previous approval of the Central Government, any property, movable or immovable, including trust and endowment properties for the purposes of the University;

(xxvii) to borrow, without the approval of the Central Government, on the security of the property of the University, money for the purposes of the University; and

(xxviii) to do all such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of its objects.

(2) In exercising its powers referred to in sub-section (1), it shall be the endeavour of the University to maintain an all-India character and high standards of teaching and research, and the University shall, among other measures which may be necessary for the said purpose and take, in particular, the following measures, namely:—

(i) admission of students and recruitment of Faculty shall be made on all-India basis;

(ii) admissions of students shall be made on merit, either through Entrance Tests conducted by the University or in combination with other Universities, or on the basis of marks obtained in the qualifying examinations;

(iii) encourage inter-University mobility of Faculty;

(iv) introduce semester system, continuous evaluation and choice based credit system and enter into agreements with other Universities and academic institutions for credit transfer and joint degree programmes;

(v) introduce innovative courses and programmes of studies with provision for periodic review and restructuring;

(vi) ensure active participation of students in all academic activities of the University, including evaluation of teachers;

(vii) obtain mandatory accreditation from National Assessment and Accreditation Council or any other statutory accrediting agency; and

(viii) introduce e-governance with an effective management information system.

Jurisdiction.

6. The jurisdiction of the University shall extend to the whole of India.

University
Open to all
Classes,
Castes and
Creeds.

7. The University shall be open to all persons irrespective of caste, creed, race or class.

Visitor.

8. (1) The President of India shall be the Visitor of the University.

(2) The Visitor shall have such other powers as may be prescribed by the Statutes.

Officers of
University.

9. The following shall be the officers of the University:—

(1) the Chancellor;

(2) the Vice-Chancellor;

(3) the Pro-Vice-Chancellor;

(4) the Deans of Faculties;

(5) the Registrar;

(6) the Finance Officer;

(7) the Controller of Examinations;

(8) the Librarian; and

(9) such other officers as may be declared by the Statutes to be officers of the University.

Chancellor.

10. (1) The Chancellor shall be appointed by the Visitor in such manner as may be prescribed by the Statutes.

(2) The Chancellor shall, by virtue of his office, be the head of the University and shall, if present, preside at the Convocations of the University held for conferring degrees and meetings of the Court.

Vice-
Chancellor.

11. (1) The Vice-Chancellor shall be appointed by the Visitor in such manner as may be prescribed by the Statutes.

(2) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall exercise general supervision and control over the affairs of the University and give effect to the decisions of all the authorities of the University.

(3) The Vice-Chancellor shall exercise such other powers and perform such other duties as may be prescribed by the Statutes or the Ordinances.

Pro-Vice-
Chancellor.

12. The Pro-Vice-Chancellor shall be appointed in such manner and on such terms and conditions of service, and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.

Deans of
Schools.

13. Every Dean of School shall be appointed in such manner and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.

Registrar.

14. (1) The Registrar shall be appointed in such manner and on such terms and conditions of service as may be prescribed by the Statutes.

(2) The Registrar shall have the power to enter into agreements, sign documents and authenticate records on behalf of the University and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

15. The Finance Officer shall be appointed in such manner and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.	Finance Officer.
16. The Controller of Examinations shall be appointed in such manner and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.	Controller of Examinations.
17. The Librarian shall be appointed in such manner and on such terms and conditions of service, and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.	Librarian.
18. The manner of appointment and powers and duties of other officers of the University shall be prescribed by the Statutes.	Other Officers.
19. The following shall be the authorities of the University:—	Authorities of University.
(1) the Court;	
(2) the Executive Council;	
(3) the Academic Council;	
(4) the Board of Studies and Academic Boards;	
(5) the Finance Committee; and	
(6) such other authorities as may be declared by the Statutes to be the authorities of the University.	
20. (1) The constitution of the Court and the term of office of its members shall be prescribed by the Statutes.	Court.
(2) Subject to the provisions of this Act, the Court shall have the following powers and sanctions, namely:—	
(a) to review, from time to time, the broad policies and programmes of the University and to suggest measures for the improvement and development of the University; and	
(b) to perform such other functions as may be prescribed by the Statutes.	
21. (1) The Executive Council shall be the principal executive body of the University.	Executive Council.
(2) The constitution of the Executive Council, the term of office of its members and its powers and functions shall be prescribed by the Statutes:	
Provided that the Executive Council shall have adequate number of members from among the women:	
Provided further that such number of members as may be prescribed by the Statutes shall be from among the elected members of the Court.	
22. (1) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, the Statutes and the Ordinances, coordinate and exercise general supervision over the academic policies of the University.	Academic Council.
(2) The constitution of the Academic Council, the term of office of its members and its powers and functions shall be prescribed by the Statutes:	
Provided that the Academic Council shall have such number of members as may be prescribed by the Statutes shall be from among the elected members of the Court.	
23. The constitution, powers and functions of the Board of Studies shall be prescribed by the Statutes.	Board of Studies and the Academic Boards.
24. The constitution, powers and functions of the Finance Committee shall be prescribed by the Statutes.	Finance Committee.

Other
Authorities of
the
University.

25. The Constitution, powers and functions of other authorities, as may be declared by the Statutes to be the authorities of the University, shall be prescribed by the Statutes.

Power to
make
Statutes.

26. Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—

(a) the constitution, powers and functions of authorities and other bodies of the University, as may be constituted, from time to time;

(b) the appointment and continuance in office of the members of the said authorities and bodies, the filling up of vacancies of members, and all other matters relating to those authorities and other bodies for which it may be necessary or desirable to provide;

(c) the withdrawal of degrees, diplomas, certificates and other academic distinctions; and

(d) all other matters which by this Act are to be or may be provided for by the Statutes.

Power to
make
Ordinances.

27. (1) Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely:—

(a) the admission of students to the University and their enrolment as such;

(b) the courses of study to be laid down for all degrees, diplomas and certificates of the University;

(c) the establishment of Centres of Studies, Boards of Studies and other Committees; and

(d) all other matters which by this Act or the Statutes, are to be or may be, provided for by the Ordinances.

(2) The first Ordinances shall be made by the Vice-Chancellor with the previous approval of the Central Government and the Ordinances so made may be amended, repealed or added to at any time by the Executive Council in the manner prescribed by the Statutes.

Regulations.

28. The authorities of the University may make Regulations, consistent with this Act, the Statutes and the Ordinances for the conduct of their own business and that of the Committees, if any, appointed by them and not provided for by this Act, the Statutes or the Ordinances, in the manner prescribed by the Statutes.

Annual
Report.

29. (1) The annual report of the University shall be prepared under the direction of the Executive Council, which shall include, among other matters, the steps taken by the University towards the fulfillment of its objects and shall be submitted to the Court on or before such date as may be prescribed by the Central Government and the Court shall consider the report in its annual meeting.

(2) The Court shall submit the annual report to the Visitor along with its comments, if any.

(3) A copy of the annual report, as prepared under sub-section (1), shall also be submitted to the Central Government, and that Government which shall, as soon as may be after it is submitted, cause the same to be laid before both Houses of Parliament.

Annual
Account.

30. (1) The annual accounts and balance sheet of the University shall be prepared under the directions of the Executive Council and shall, once at least every year and at intervals of not more than fifteen months, be audited by the Comptroller and Auditor-General of India or by such persons as he may authorise on his behalf.

(2) A copy of the annual accounts together with the audit report thereon shall be submitted to the Court and the Visitor along with the observations of the Executive Council.

(3) A copy of the annual accounts together with the audit report as submitted to the Visitor, shall also be submitted to the Central Government, which shall, as soon as may be, cause the same to be laid before both Houses of Parliament.

31. The University shall furnish to the Central Government such returns or other information with respect to its property or activities as the Central Government may, from time to time, require.

Returns and
Information.

32. (1) Every employee of the University shall be appointed under a written contract, which shall be lodged with the University and a copy of which shall be furnished to the employee concerned.

Condition of
Service of
Employees.

(2) Any dispute arising out of the contract between the University and any employee shall, at the request of the employee, be referred to a Tribunal of Arbitration consisting of one member appointed by the Executive Council, one member nominated by the employee concerned and an umpire appointed by the Visitor.

33. Every employee or student of the University or of a College or Institution maintained by the University shall, notwithstanding anything contained in this Act, have a right to appeal within such time as may be prescribed by the Statutes, to the Executive Council against the decision of any officer or authority of the University or of the Principal or the management of any College or an Institution, as the case may be, and thereupon the Executive Council may confirm, modify or reverse the decision appealed against.

Right to
Appeal.

34. All casual vacancies among the members (other than *ex officio* members) of any authority or other body of the University shall be filled, as soon as may be, by the person or body who appoints, elects or co-opts the member whose place has become vacant and the person appointed, elected or co-opted to a casual vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he fills would have been a member.

Filling of
casual
vacancies.

35. The Executive Council may appoint a person of high academic distinction and professional attainments to accept a post of Professor or Associate Professor or any other equivalent academic post in the University on such terms and conditions as it deems fit:

Special Mode
of
Appointment.

Provided that the Executive Council may also create supernumerary posts for a specified period for appointment of such persons.

36. (1) An authority of the University may appoint as many standing or special Committees as it may deem fit, and may appoint to such Committees persons who are not members of such authority.

Committee.

(2) A Committee appointed under clause (1) may deal with any subject delegated to it, subject to subsequent confirmation by the authority appointing it.

37. The Executive Council may, on the recommendation of the Academic Council and by a resolution passed by a majority of not less than two-thirds of the members present and voting, make proposals to the Visitor for the conferment of honorary degrees:

Honorary
degrees.

Provided that in case of emergency, the Executive Council may, on its own motion, make such proposals.

38. Convocations of the University for the conferring of degrees shall be held in such manner as may be prescribed by the Ordinances.

Convocations.

Alumni
Association.

39. There shall be an Alumni Association for the University.

Student's
Council.

40. There shall be constituted in the University, a Student's Council for every academic year, consisting of—

(i) the Dean of Students Welfare who shall be Chairperson of the Student Council;

(ii) twenty-five students to be nominated by the Academic Council on the basis of merit in studies, sports and extra-curricular activities; and

(iii) twenty-five elected representatives of students in the manner prescribed by the Ordinances.

Delegation of
powers.

41. Subject to the provisions of the Act and the Statutes, any officer or authority of the University may delegate his or its powers to any other officer or authority or person under his or its respective control and subject to the condition that overall responsibility for the exercise of the powers so delegated shall continue to vest in the officer or authority delegating such powers.

Protection of
action taken
in good faith.

42. No suit or other legal proceeding shall lie against any officer or other employee of the University for anything which is in good faith done or intended to be done in pursuance of any of the provisions of this Act, the Statutes or the Ordinances.

Power to
remove
difficulties.

43. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the order or both Houses agree that the order should not be made, the order shall thereafter have effect only in such modified form or be of no effect as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order.

Statutes,
Ordinances
and
Regulations to
be published
in the Official
Gazette and
to be laid
before
Parliament.

44. (1) Every Statute, Ordinance or Regulation made under this Act shall be published in the Official Gazette.

(2) Every Statute, Ordinance or Regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the Statute, Ordinance or Regulation or both Houses agree that the Statute, Ordinance or Regulation should not be made, the Statute, Ordinance or Regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Statute, Ordinance or Regulation.

(3) The power to make Statutes, Ordinances or Regulations shall include the power to give retrospective effect, from a date not earlier than the date of commencement of this Act, to the Statutes, Ordinances or Regulations or any of them but no retrospective effect shall be given to any Statute, Ordinance or Regulation so as to prejudicially

affect the interests of any person to whom such Statute, Ordinance or Regulation may be applicable.

45. Notwithstanding anything contained in this Act and the Statutes,—

Transitional provisions.

(a) the first Chancellor and first Vice-Chancellor shall be appointed by the Visitor in such manner and on such conditions as may be deemed fit and each of the said officer shall hold office for such term, not exceeding five years as may be specified by the Visitor;

(b) the first Registrar and the first Finance Officer shall be appointed by the Visitor and each of the said officers shall hold office for a term of three years;

(c) the first Court and the first Executive Council shall consist of not more than thirty One members and eleven members, respectively, who shall be nominated by the Central Government and shall hold office for a term of three years; and

(d) the first Academic Council shall consist of not more than twenty-one members, who shall be nominated by the Central Government and they shall hold office for a term of three years:

Provided that if any vacancy occurs in the above offices or authorities, the same shall be filled by appointment or nomination, as the case may be in the manner prescribed by the Statutes.

STATEMENT OF OBJECTS AND REASONS

"उत्तरं यत्समुद्रस्य हिमाद्रेश्चैव दक्षिणम् । वर्षं तद्भारतं नाम भारती यत्र संततिः" means in the north side of sea and south of Himalaya there is a sacred land known as "Bharat Varsh" and their generations are called as "Bhartiya". This *Shaloka* is taken from "Vishnu Puran" which describes physical boundary of India (Bharat Varsh). The first and authentic description of Indian boundaries is available only in old Sanskrit literature. No one can imagine India without Sanskrit. But despite of many institutions of Sanskrit in country, at present condition of Sanskrit language is dismal and not known to be a language of common man.

Sanskrit is not only mother of different Indian languages but also of some foreign languages. It is important to highlight here that relation between Sanskrit language and Indian scheduled and non-scheduled languages are symbiotic in nature and as a result, development of Sanskrit means development of other languages also. Sanskrit literature—*Ved, Brahman, Aranyak, Upanishad, Paran, Bhaishya*, etc. are source of fundamental and behavioural knowledge of different fields like science and human life. So for fast development of India, common people should have basic understanding about Sanskrit.

The great scientists of modern era like Schopenhauer, Niels Bohr, Einstein, etc. all have studied Upanishads. Utilitarian thoughts for social system like "Satyamev Jayate (सत्यमेव जयते)", "Vasudhaiv Kutumbakam (वसुधैव कुटुम्बकम्)" etc. are taken from ancient books and were written in Sanskrit only.

These ancient scriptures are source of great knowledge and with following the morals contained therein. India can become world leader in near future. But for this there should be basic understanding of Sanskrit amongst common people. This is only possible when there shall be use of Sanskrit language in research and development of computer science, traditional science, mathematics and different social sciences and imparting of compulsory education of Sanskrit in all level and kind of education institutes.

To promote teaching of Sanskrit and its use into modern science and technology establishment of Central Sanskrit University is inevitable.

Hence this Bill.

NEW DELHI;
June 4, 2019.

KUNWAR PUSHPENDRA SINGH CHANDEL

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to establish a Central Sanskrit University as a body corporate to at Mahoba in the State of Uttar Pradesh to promote Sanskrit language, literature, research in old Sanskrit manuscripts and its use in different subjects like computer science, mathematics and social sciences with inter-disciplinary approach. After enactment of the Bill, the Vice Chancellor will be appointed, who will prepare the Vision Document and the Draft Project Report under the guidance of the statutory authorities of the University. The actual financial requirements of the University will be worked out on the basis of the Draft Project Report. It is expected that the proposed University would require about rupees one thousand crore during the next Plan period. The expenditure would be met from the Consolidated Fund of India through the University Grants Commission under the budgetary provisions of the Ministry of Human Resource Development.

MEMORANDUM REGARDING DELEGATED LEGISLATION

1. Sub-Clause (2) of clause 27 of the Bill empowers the Vice-Chancellor to make the first Ordinances of the University with the previous approval of the Central Government and provides that the Ordinances so made may be amended, repealed or added to at any time by the Executive Council in the manner prescribed by the Statutes. The matters in respect of which Ordinances may be made, or as the case may be, amended, repealed or added to, relate to admission of students, courses of study, medium of instruction and examination, the manner of co-operation and collaboration with other Universities, institutions and other agencies, the setting up of a machinery for redressal of grievances of employees and other such matters.

2. Clause 28 of the Bill enables the authorities of the University to make Regulations, consistent with this Act, the Statutes and the Ordinances for the conduct of their own business and that of the Committees, if any, appointed by them and not provided for by this Act, the Statutes or the Ordinances, in the manner prescribed by the Statutes.

3. Clause 41 empowers that any officer or authority of the University may delegate his or its powers to any other officer or authority or person under his or its respective control and subject to the condition that overall responsibility for the exercise of the powers so delegated shall continue to vest in the officer or authority delegating such powers.

4. Clause 43 empowers the Central Government, by order published in the Official Gazette, to make provisions to remove certain difficulties, which may appear to be necessary or expedient and such an order is not to be made after the expiry of a period of three years from the commencement of the Act and such order shall be laid before each House of Parliament.

5. Clause 44 provides that every Statute, Ordinance or Regulation made under the Act shall be published in the Official Gazette and they shall be laid before each House of Parliament.

6. The matters for which the Statutes, Ordinances or Regulations may be made pertain to matters of procedure or detail and it is not possible to provide for them in the Bill. The delegation of legislative powers is, therefore, of normal character.

BILL NO. 54 OF 2019

A Bill to provide for timely completion of all mega projects and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Mega Projects (Timely Completion) Act, 2019.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(i) ‘mega project’ means any project which has been undertaken by the Central Government either on its own or as a joint venture with any State Government or a Corporation or a Company or a private limited company for setting up of any industry

or construction of any dam, irrigation scheme or roads or any communication facility or power project or any other developmental scheme for the welfare of the public in any part of the country or where the major share of the expenses on the project is borne by the Central Government and where the cost of project exceeds fifty crore rupees; and

(ii) 'prescribed' means prescribed by rules made under the Act.

3. The Central Government shall prepare a list of mega projects pending with all Ministries and departments of the Central Government including public sector undertakings under its control.

Preparation of list of pending mega projects.

4. (1) The Central Government shall constitute a Committee to be known as the Project Monitoring Committee (hereinafter referred to as the Committee) to monitor the progress of implementation and completion of mega projects.

Constitution of a Committee to be known as the Project Monitoring Committee.

(2) The Project Monitoring Committee shall consist of the following:—

(i) the Deputy Chairman, Planning Commission who shall be the Convener of the Committee;

(ii) Secretaries of the Central Ministries of Finance, Heavy Industries and Public Enterprises, Road Transport and Highways, Shipping, Civil Aviation, Power and Agriculture as members;

(iii) any other Minister or Secretary of the Central Government or of a State Government who may be invited by the Convener of the Committee to attend the sittings of the Committee; and

(iv) Seven persons who are experts in the fields of Agriculture, Power, Water Resources, Industry, Civil Aviation, Transport and Shipping as members.

5. The Committee shall review the progress of the implementation of all the mega projects and fix a target date for completion of each of such projects.

Review of the progress of the implementation of the mega projects in the country.

6. The Committee shall meet once in a month and review the progress of the work of the pending mega projects.

Meeting of the Committee.

7. The Central Government shall, on the basis of the recommendation of the Committee, release necessary funds for completion of a mega project.

Central Government to provide fund for completion of the mega project. Timely completion of mega projects.

8. The Central Government shall ensure completion of all mega projects within the time schedule fixed by the Committee:

Provided that if any mega project is not completed within the time schedule, due to any reason beyond the control of the Central Government, the Central Government shall record the reasons therefor.

9. If any project is not completed within the time schedule, except for the reasons beyond control, the officer-in-charge of the mega project shall be held responsible for the delay and shall be subject to such disciplinary action as the Central Government may think fit:

Fixing responsibility for delay in completion of mega project.

Provided that in case the delay in the completion of the project has occurred on account of lapse on the part of any private company, in the first instance, such private company shall be punishable with a fine which may extend to ten lakh rupees and for second and subsequent occasion, its licence of such private company shall be cancelled.

Central Government to lay report on action taken in the House.

10. The Central Government shall cause the annual report together with a memorandum of action taken on the recommendations contained therein, insofar as they relate to the Central Government and the reasons for non-implementation, if any, of any of such recommendations of the Committee to be laid as soon as may be after the reports are received, before each House of Parliament.

Power to make rules.

11. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Development is the buzzword today in emerging India, even as the country resolves to build an economically stronger, more efficient set up which is devoid of bureaucratic delays.

Mega projects popularly known as infrastructure projects are started with much pomp and show. But they are hardly completed in time. The estimated cost of projects always overrun for the simple reason that the projects are not completed within the target date. In many cases, the escalation in cost of projects result in manifold expenditure and loss to the public exchequer. Time and cost overruns in projects in the environment of uncertainties, inadequate funding, delay in land acquisition, law and order problems, general escalation in costs, etc. are required to be eliminated altogether.

At present, there is no mechanism to supervise the progress of the completion of mega projects. Moreover, for many projects necessary funds are not released by the Central Government. As a result, the projects are held up.

Therefore, in order to ensure timely completion of all projects, it is proposed to provide a mechanism at the bureaucratic level and also accountability of the executive to the legislature.

The Bill seeks to achieve the above objective.

NEW DELHI;
June 4, 2019.

SUNIL KUMAR SINGH

FINANCIAL MEMORANDUM

Clause 4 of the Bill seeks to provide for the setting up of a Committee to monitor the progress of implementation and timely completion of mega projects. Most of the members in the Committee will be Government functionaries, but a few experts in the fields of agriculture, power, etc. are to be associated with the Committee. Clause 7 provides for release of necessary funds by the Central Government for completion of all mega projects. The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of about rupees forty thousand crore from the Consolidated Fund of India.

A non-recurring expenditure of about rupees seventy thousand crore will also be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 41 OF 2019

A Bill to provide for a comprehensive policy towards stabilizing the population of the country by providing voluntary and safe access to methods of contraception, establishment of a Population Planning Agency, promotion of schemes that incentivizes the small family norm, creating awareness on family planning and providing access of education to empower every girl child and for all matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventieth year of the Republic of India, as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Population (Stabilization and Planning) Act, 2019.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Agency" means the National Population Planning Agency constituted under section 3;

(b) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(c) "hospital" means any private and public healthcare institutions that provides general, critical care or specialized healthcare;

(d) "prescribed" means prescribed by rules made under this Act; and

(e) "small family" means a family having two living children or less.

3. (1) The Central Government shall, within one year of the coming into force of this Act constitute an Agency to be known as the National Population Planning Agency for carrying out the purpose of this Act.

Constitution
of a National
Population
Planning
Agency.

(2) The Agency shall consist of:—

(a) Secretary, Ministry of Health and Family Welfare — *ex-officio*, Chairperson;

(b) Chairperson, National Commission for Women—*ex-officio* member;

(c) Secretary, Ministry of Women and Child Development —*ex-officio* member;

(d) Secretary, Ministry of Social Justice and Empowerment—*ex-officio*, member;

(e) Secretary, Ministry of Human Resource Development—member; and

(f) two persons, with experience of at least fifteen years in the social sector, one of whom shall be a women;

(3) The Central Government shall appoint such number of officers and staff as it considers necessary for the functioning of the Agency.

(4) The salary and allowances payable to and terms and conditions of services of the members, officers and staff of the agency shall be such as may be prescribed.

4. The Agency shall:—

Functions of
the Agency.

(a) conduct nation-wise surveys at an interval of every five years to assess the growth in population and trends;

(b) ensure dissemination of proper information regarding safe family planning methods such as contraception and spacing between births;

(c) include in school curriculum a proper syllabus on the importance of population stabilization;

(d) formulate schemes to provide for education up to college level for the first child and to the second child only if gap between the two is greater than three years;

(e) establish recreational centres at panchayat level to host traditional art forms and also use them as medium to disseminate messages regarding family planning;

(f) undertake, promote and publish studies relating to the Indian population;

(g) conduct awareness campaigns relating to medical procedures regarding birth control; and

(h) undertake such other activities as may be prescribed by the Central Government.

5. The Agency shall meet at such times and places and shall observe such rules of procedure in regard to transaction of business at its meetings as may be prescribed.

Meetings of
the Agency.

6. (1) The appropriate Government shall establish Family Planning Quality Assurances Committees at the State and District level.

Establishment
of Family
Planning
Quality
Assurance
Committees
at State and
District level.

(2) The Committee shall,—

(a) ensure quality care in family planning services through accreditation of every hospital or clinic providing such services;

(b) conduct regular inspections to ensure that services are disseminated in accordance with standards established by the committee; and

(c) establish a citizen's grievance redressal mechanism to assess into faulty disservice at any clinic or hospital.

Incentive based population control measures.

7. Notwithstanding anything contained in any law for the time being in force, every person, who adopts the small family norm, shall be entitled to—

(a) one additional increment as incentive if the person is employed with the Central or the State Government;

(b) free healthcare at all the public healthcare institutions for the entire family;

(c) subsidised education for the children at public schools; and

(d) receive such other benefits as may be prescribed by the Central Government from time to time.

Access of safe and voluntary family planning measures.

8. The appropriate Government shall ensure that people have access to quality and affordable contraceptive devices, medicines and healthcare pertaining to family planning and matters incidental and consequential thereto.

Access to quality education to the girl child.

9. The appropriate Government shall—

(a) ensure that measures are taken to secure the right to education of good quality for women and girls, on an equal basis with men and boys, and that they complete a full course of primary education; and

(b) review efforts to improve and expand the education of girls and women at all levels, including at the secondary and higher levels, as well as vocational education and technical training, in order to, inter alia achieve gender equality, empowerment of women and poverty eradication.

Central Government to provide funds.

10. The Central Government shall, after due appropriation made by Parliament by law in this behalf, from time to time, provide requisite funds for carrying out the purposes of this Act.

Power to remove difficulties.

11. If any difficulty arises in giving effect to the provisions of this Act, the Central Government, in consultation with the State Governments, may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.

Power to make rules.

12. (1) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.

STATEMENT OF OBJECTS AND REASONS

India is the third most populous country in the world despite the fact that it was the first country to enact a national population control policy. Conversely, India's population has grown steadily since independence. Studies suggest that the country could surpass China's population by the year 2030, therefore, becoming the most populous country in the world.

A high human population can impact natural resources and social infrastructure, which in turn places pressure on a country's sustainability. Indian population accounts for twenty per cent. of the total world population, however, the Indian land area is only 2.5 per cent. of the total. In a developing country such as India where a large section of the population still lives in abject poverty with little to no resources, the need for stabilization of the population growth becomes crucial. A stabilized population ensures that every citizen can get access to the right amount of resources to live a life of dignity.

Adopting a rights-based approach, the need is to provide for voluntary and safe access to family planning services. The increase in access will empower women. Additionally, access to these services allows spacing of pregnancy which can reduce pregnancy related health risks in women. It would also ensure that the infant is healthier thereby reducing infant mortality rate in the country. Therefore, a comprehensive policy for population stabilisation can help in moving towards a healthier population.

NEW DELHI;
June 4, 2019.

SUNIL KUMAR SINGH

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of a National Population Planning Agency. It also provides for appointment of persons with experience in social sector as members, officers and staff to the Agency. Clause 6 provides for establishment of Family Planning Quality Assurances Committees at the State and District level by the appropriate Governments. Clause 7 provides for certain incentives for small family norm. Clause 8 provides for access to quality and affordable contraceptive devices, medicines and healthcare pertaining to family planning. Clause 9 provides for access to quality education to the girl child. Clause 10 provides that the Central Government shall provide requisite funds carrying out the purposes of the Act. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees two thousand crore per annum would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees two hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the appropriate Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 57 OF 2019

A Bill to provide for the rehabilitation and financial assistance to the victims of natural calamities and for matters connected therewith.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Victims of Natural Calamities (Rehabilitation and Financial Assistance) Act, 2019.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “Commissioner” means the Commissioner appointed under section 3;

(b) “natural calamity” includes drought, flood, cyclone, hailstorm, cloud burst, tsunami, landslide or earthquake or such other conditions as may be notified by the appropriate Government from time to time;

(c) “prescribed” means prescribed by rules made under this Act; and

(d) “victim of natural calamity” means a person who suffers physical bodily harm or whose property, including livestock, crop, orchard, field, machine or tools, is lost, destroyed or damaged due to natural calamity and includes, in the case of death of such victim due to natural calamity, his family members.

3. (1) The Central Government shall appoint a Commissioner in such manner as may be prescribed for providing financial assistance and other benefits to the victims of natural calamities.

Appointment of Commissioner for providing financial assistance and other benefits to victims of natural calamity.

(2) The Commissioner appointed under sub-section (1) shall be provided with such staff as may be necessary for efficient discharge of his duties under this Act.

(3) It shall be the duty of the Commissioner to ensure provision of food, adequate shelter and financial assistance to the victims of natural calamity in such manner as may be prescribed.

(4) The financial assistance to the victims of natural calamity shall be disbursed as early as possible but not later than three months from the occurrence of the natural calamity.

4. (1) A claim for receiving financial assistance shall be made in the prescribed form by the victims of natural calamity to the Commissioner, who shall disburse the financial assistance to the victims, after making such inquiry and in such manner, as may be prescribed.

Financial assistance and other benefits to the victims of natural calamity.

(2) The victim of natural calamity shall be provided with the following financial assistance and other benefits:—

(a) in case of loss of life,—

(i) financial assistance in the form of a compensation of not less than seven lakh rupees shall be given to the next of the kin of the deceased; and

(ii) suitable employment shall be provided to one of the dependants of the deceased;

(b) in case of severe injury,—

(i) medical treatment free of cost; and

(ii) such financial assistance as, in the opinion of the Commissioner, is necessary for his rehabilitation, subject to the limit of a minimum amount of rupees one lakh and maximum amount of rupees three lakh;

(c) in case of damage to the dwelling unit, victim shall be provided with such financial assistance as is required for the repair or reconstruction of the damaged dwelling unit;

(d) in case of irreparable damage to the cultivable land, victim shall be provided with cultivable land of equal area at a reasonable distance from the place of his residence;

(e) in case of damage to the standing crops, victim shall be given compensation in proportion to the losses suffered by him; and

(f) in case of loss of livestock, victim shall be given adequate financial assistance in proportion to the losses suffered by him.

5. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Savings.

Power to
remove
difficulties.

6. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by general or special order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for the removal of the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of the commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

Power to
make rules.

7. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Our country is prone to various natural calamities such as tsunami, floods, droughts, storms, hailstorms, cyclones, landslides and earthquakes, which cause extensive damage to life and property. Floods are frequently occurring in the States of Assam, Bihar, Uttar Pradesh, Madhya Pradesh, West Bengal, Tripura and other parts of the country. Droughts are also very common and frequent throughout the country. Tsunami and cyclones cause havoc in the coastal areas whereas storms and hailstorms cause heavy loss of life and property in hilly areas as well as in the nearby plain areas. Now frequent earthquakes have also been causing concern among the people of various regions. The havoc caused by the tsunami in the year 2004 in southern States of the country is still in our memory. We have also not forgotten the extensive damage caused by earthquakes in the States of Uttar Pradesh, Maharashtra and Gujarat in the year 1991, 1993 and 2001, respectively. Whenever a natural calamity happens, the nation has to divest its resources towards rescue and rehabilitation processes and on repairs and construction of the roads, bridges, fields, buildings, etc. which put a heavy burden on the exchequer. Fortunately, the entire nation rises to face such calamities but the loss caused thereby can never be recovered by any means.

Of course, the occurrence of natural calamities cannot be stopped but certainly with our combined efforts we can minimise the miseries of the victims of such natural calamities by providing them with timely financial relief and extending the rehabilitation programmes to them. The Central Government has to play the main role in this process, as the State Governments are not well equipped to deal with any natural calamities and to provide relief to the victims. Sometimes, delay is caused in rushing relief to the victims due to procedural wrangles. Hence, it is felt that a suitable legislation be enacted to set up a mechanism to help the victims of natural calamities instantly. The Bill seeks to provide for rehabilitation and financial assistance to the victims of natural calamities instantly in case of occurrence of any such calamity in the country.

Hence this Bill.

NEW DELHI;
June 4, 2019.

SUNIL KUMAR SINGH

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the appointment of a commissioner for providing financial assistance and rehabilitation measures to the victims of natural calamities. Clause 4 provides for financial assistance of rupees five lakhs to the next of kin of a person who dies in any natural calamity and medical treatment for injured persons and other welfare measures for the victims of natural calamities. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. At this stage, it is not possible to give an exact estimate of the actual expenditure to be involved to meet any unpredictable eventuality. However, it is estimated that recurring expenditure of rupees five thousand crore per annum would be involved from the Consolidated Fund of India.

A non-recurring expenditure to the tune of rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 42 OF 2019

A Bill to provide for conservation and elimination of pollution of rivers of the country and for matters connected therewith.

BE it enacted by the Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the River (Conservation and Elimination of Pollution) Act, 2019.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "Committee" means the River Conservation Committee constituted under section 8;

(c) "industry" shall have the same meaning as assigned to it under clause (j) of section 2 of the Industrial Disputes Act, 1947;

(d) "prescribed" means prescribed by rules made under this Act;

(e) "river" means an inter-State river or river valley; and

(f) "school" means any Government school or a Government aided school or a private school which imparts education from primary to senior secondary level.

Formulation of a policy for mandatory cleaning of rivers.

3. The Central Government shall, by notification in the Official Gazette, formulate a policy for mandatory cleaning of all the rivers of the country.

Inclusion of ill-effects of water pollution in school.

4. The appropriate Government shall include the ill-effects of water pollution as a subject in the curriculum of study in school education under their jurisdiction.

Appropriate Government to launch awareness campaign.

5. The appropriate Government shall, prior to organizing any religious festival on the banks of a river, launch awareness campaigns on ill-effects of water pollution and its impact on human health.

Appropriate Government to the industries causing river pollution.

6. The appropriate Government shall, after detailed study, systematically shut down industries that cause or are likely to cause river pollution.

Vocational training.

7. The appropriate Government shall put in place vocational training for the persons rendered jobless due to closure of industries causing pollution.

Constitution of River Conservation Committee.

8. (1) With effect from such date as the Central Government may, by notification, appoint, there shall be constituted, for the purposes of this Act, a Committee to be known as the River Conservation Committee.

(2) The Committee shall consist of —

(a) Union Minister of Environment, Forest and Climate Change;

(b) Union Minister of Jal Shakti;

(c) an environment scientist in the field of water pollution, as member;

(d) a person having experience in the field of river conservation, as member;

(e) Chief Ministers of all States as members; and

(f) an officer of Indian Administrative Service as member—Secretary,

to be appointed by the Central Government in such manner as may be prescribed.

(3) The Union Minister, whosoever is senior, shall act as an *ex-officio* Chairperson of the Committee.

(4) The Committee shall meet at least twice in a month.

(5) The Salary and allowances payable to and other terms and conditions of service of members of the Committee other than the ex-officio members, shall be such as may be prescribed.

9. The Union Ministry of Environment, Forest and Climate Change shall provide secretarial and financial assistance to the Committee.

Central Government to provide secretarial assistance.

10. The Committee shall,—

Functions of the Committee.

- (a) ensure complete ban on pollution of river;
- (b) ensure the availability of clean and potable water;
- (c) ensure pollution free zones within two kilometre area on both sides of the rivers;
- (d) ensure that celebration of religious festivals does not cause river pollution;
- (e) organize mass campaign in order to cause awareness about the ill effects of river pollution;
- (f) ensure inclusion of ill-effect of river pollution in school curriculum;
- (g) impose ban upon releasing or dumping of waste in to the rivers by factories;
- (h) impose penalty on any industry causing river pollution;
- (i) draw public attention towards the fatal effects of river pollution upon human health; and
- (j) ensure total ban on releasing of effluents of drains into river.

11. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds for carrying out the purposes of this Act from time to time.

Central Government to provide funds.

12. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government, in consultation with the State Governments, may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of any difficulty:

Power to remove difficulty.

Provided that no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before both the Houses of Parliament.

13. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Rivers are known as the lifelines of a country and act as a mirror of its culture and civilization. In the Indian culture, society, rulers and saints have given the title of mother to these life giving rivers and has also treated them with respect befitting a mother. During the past few years, due to ever increasing industrialisation and urbanisation, the level of pollution has increased massively in major rivers. Due to indiscriminate use of river water for irrigation, drinking, power generation and for other purposes, challenges have increased manifold. The Indian rivers are in extremely bad condition. The Welfare of human race lies with the cleaning of rivers. Only through mutual cooperation, we can think of clean rivers. There were times, when in India, trade was used to be carried through water ways, but today it has become a dream. Improving present conditions is necessary for a bright future. Today many rivers of India are biologically dead. Along with environment it is affecting the lives of the people also. According to a World Resources Report, seventy *per cent.* of Indians drink polluted water. Many diseases *i.e.* cholera, jaundice, typhoid, etc. are caused due to consumption of polluted water. River water is also polluted by chemical fertilizers. The quality of river water has further deteriorated due to industries.

Nearly more than one hundred and fifty rivers of India are polluted. Today rivers are used as dumping place and carriers of waste and chemical substances thrown out of the factories. Many industrial units are located along the banks of the Ganga, the Yamuna and the Brahmaputra rivers. Number of factories in such cities are on rise and the only option is to discharge their chemical effluents into the rivers. Due to legislation during the 1980-90 decade, every day millions of gallons of polluted water from factories were discharging into the rivers. By immersing puja and *havan* related items into holy rivers, people wish to gain spiritual wealth. On all positive occasions, we used to immerse idols of gods or goddesses into the rivers and dead bodies and remains are also dumped into the rivers.

The Bill, therefore, seeks to constitute a River Conservation Committee for conservation and elimination of the pollution of rivers in the country.

Hence this Bill.

NEW DELHI;
June 4, 2019.

SUNIL KUMAR SINGH

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for formulation of a policy for mandatory cleaning for all rivers of the country. Clause 5 provides for launching of awareness campaigns on ill-effects of water pollution. Clause 7 provides for vocational training for persons rendered jobless due to closure of pollution causing industries. Clause 8 provides that the Central Government shall constitute the River Conservation Committee. Clause 9 provides for secretarial and financial assistance to the River Conservation Committee. Clause 11 provides that the Central Government shall provide funds for carrying out the purposes of the Act. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees two thousand crore would involve as recurring expenditure per annum from the Consolidated Fund of India.

A non-recurring expenditure of rupees five hundred crore is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 43 OF 2019

A Bill to prohibit non-vegetarian food from being served at official meetings and functions of Government of India for the purpose of animal conservation and impact on climate change.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Official Government Meetings and Functions (Prohibition on Serving Non-vegetarian Food) Act, 2019.

Short title,
commencement
and application.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

(3) It shall apply to the Ministries and Departments of the Central Government and all offices, organisations and establishments under the control of the Central Government.

Ban on
serving of
non-
vegetarian
food in any
official
Government
meetings.

2. The serving of non-vegetarian food in any official meeting, function or event organised by or on behalf of the Central Government is hereby banned.

Power to
remove
difficulties.

3. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of any difficulty:

Provided that no such orders shall be made after the expiry of the period of three years from the date of commencement of this Act.

Power to
make rules.

4. (1) The Central Government may, by notification in Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament or, as the case may be, each House of the State Legislature, while it is in session, for a total period of thirty days which may be comprised in one session or two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, Parliament or, as the case may be, the State Legislature agrees in making any modification in the rule or agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Consumption of non-vegetarian foods not only causes rampant abuse and killings of animals but also has devastating environmental impacts. For the purpose of human consumption, billions of living animals are made to go through gruesome treatment involving genetic manipulations, drug regimens, mutilations and much more every year. This goes vehemently against the laws and ethics of animal protection and conservation.

Apart from this, there are scientific studies and findings regarding the negative impacts that it has on environment and climate change. A United Nations Environment Programme's (UNEP) report by International Panel of Sustainable Report Management has said that lesser consumption of animal products is necessary to save the world from worst impacts of climate change. Another report by United Nations Food and Agriculture Organizations has highlighted how livestock sector puts tremendous pressure on water resources, land use and greenhouse gas emissions. To have an idea, it generates eighteen per cent. more carbon dioxide than transport sector. It emits sixty-five per cent. of the human related nitrous oxide which has 296 times the Global Warming Potential (GWP) than carbon dioxide. It accounts for thirty seven per cent. of all human induced Methane which is as twenty-three times as warming as carbon dioxide. Regarding land use, livestock covers thirty per cent of the entire land surface. Livestock sector is hugely responsible for water pollution and thus leading to eutrophication and the degeneration of coral reefs.

The need is to put forth an initiative whereby the Government can make an effort towards environment friendly practice. Citing the devastating impacts that meat industry has on environment and climate change, it is of urgent importance at least for the Government to take necessary steps and make its own contribution. The Bill, therefore, seeks for the Government to abandon non-vegetarian food in all the official meetings, functions and events organized by Government of India. This shall be an effort from the side of the Government to claim a positive stake in environment conservation and prevention of climate change.

Hence this Bill.

NEW DELHI;
June 4, 2019.

PARVESH SAHIB SINGH

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 56 OF 2019

A Bill further to amend the Emblems and Names (Prevention of Improper Use) Act, 1950.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

Short title and commencement. **1.** (1) This Act may be called the Emblems and Names (Prevention of Improper Use) (Amendment) Act, 2019.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of the Schedule. **2.** In the Emblems and Names (Prevention of Improper Use) Act, 1950, in the Schedule, after entry 27, the following entry shall be inserted, namely:— 12 of 1950

“28. The names and emblems that may have high religious regard and whose improper use may hurt religious sensibility of any class, section or community of India.”.

STATEMENT OF OBJECTS AND REASONS

India is the second most populous nation in the world. As a result, we are home to many business firms, trading companies, corporate houses and their incalculable products and brand names. People generally have their product and brand names based on personal preference, family lineages, marketability, consumer attraction and several such considerations. However, Government has to ensure that naming of products does not cause copyright infringement of either Government symbols or other publicly renowned names and emblems.

The Emblems and Names (Prevention of Improper Use) Act, 1950 was enacted to make sure that no such imitations or improper use happens by private companies while naming professional or commercial products. The Act prohibits private parties from using title, trademarks or emblems which are mentioned in the exhaustive list provided in the Schedule.

However, there is a need that there should also be provisions which exercises some kind of regulation on the use of names and emblems for some commercial products which can potentially hurt religious sensibility of any class, group or community. Certain names and emblems may have a very high religious sanctity attached with them. Use of such words for certain products and items which may cause disregard to any religion or faith should be prevented for the overall benefit of the society. The Emblems and Names (Prevention of Improper Use) Amendment Bill, 2019 seeks to bring in a provision in the parent Act whereby any kind of names or emblems which may have high religious regard shall be censored from being used for certain kind of products and items which may cause disregard to the sentiments of faith of any particular religion, class or community.

Hence this Bill.

NEW DELHI;
June 4, 2019.

PARVESH SAHIB SINGH

SNEHLATA SHRIVASTAVA
Secretary General